DOCUMENT RESUME

ED 450 039 SO 032 532

AUTHOR	Hayes, Bill; Croddy, Marshall
TITLE	Criminal Justice in America. Third Edition. Teacher's Guide.
INSTITUTION	Constitutional Rights Foundation, Los Angeles, CA.
SPONS AGENCY	Department of Justice, Washington, DC. Office of Juvenile Justice and Delinquency Prevention.
PUB DATE	2000-00-00
NOTE	84p.; For the related textbook, see SO 032 533.
CONTRACT	95-JS-CX-0007
AVAILABLE FROM	Constitutional Rights Foundation, 601 South Kingsley Drive, Los Angeles, CA 90005; Tel: 213-487-5590; Web site: (www.crf-usa.org).
PUB TYPE	Guides - Classroom - Teacher (052)
EDRS PRICE	MF01/PC04 Plus Postage.
DESCRIPTORS	*Civil Rights; *Correctional Institutions; *Crime; Crime Prevention; *Criminal Law; Equal Protection; Introductory Courses; *Juvenile Justice; *Law Enforcement; Law Related Education; Social Studies
IDENTIFIERS	*Criminal Justice; Criminal Prosecution

ABSTRACT

This guide is designed to support the teaching of the material contained in the introductory text, "Criminal Justice in America." The guide provides information about the text, detailed descriptions of the variety of teaching strategies employed, suggested teaching sequences, activity masters, and chapter and final tests. It is organized into the following sections: (1) The Text: an overview of the purpose, curriculum goals, content, and features of "Criminal Justice in America"; (2) Teaching Strategies: a description of the major teaching strategies used in the text providing a rationale, teacher tips, and needed preparation for both inside and outside the classroom; (3) Teaching Procedures: suggested teaching procedures and support materials for each chapter of the text organized on a unit-by-unit basis, each unit including an overview, objectives, and teaching sequences which utilize the readings and activities and include suggested answers for discussion questions, exercises, or activities; (4) Activity Masters: forms to support various exercises and activities designed for reproduction and distribution to students; (5) Test Masters and Answer Keys; and (6) References for the student text. In addition, the Constitutional Rights Foundation Web site offers links to more reading, the latest statistics, and almost every case mentioned in the text. (BT)

Reproductions supplied by EDRS are the best that can be made
from the original document.

ED 450 039

Criminal Justice in America. Third Edition. Teacher's Guide.

Hayes, Bill
Croddy, Marshall

Constitutional Rights Foundation, Los Angeles, Calif.

SO 032 532

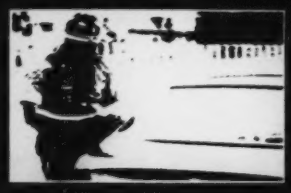
U.S. DEPARTMENT OF EDUCATION
Office of Educational Research and Improvement
EDUCATIONAL RESOURCES INFORMATION CENTER (ERIC)
☑ This document has been reproduced as received from the person or organization originating it.
☐ Minor changes have been made to improve reproduction quality.
• Points of view or opinions stated in this document do not necessarily represent official OERI position or policy.

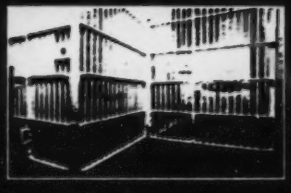
BEST COPY AVAILABLE

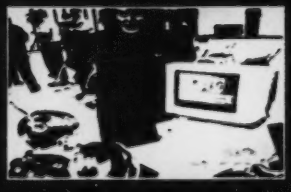
CRIMINAL JUSTICE IN AMERICA

THIRD EDITION

TEACHER'S GUIDE







CONSTITUTIONAL RIGHTS FOUNDATION

CRIMINAL JUSTICE IN AMERICA

TEACHER'S GUIDE

THIRD EDITION

Developed by

Bill Hayes
Marshall Croddy

Constitutional Rights Foundation
601 South Kingsley Drive
Los Angeles, California 90005
(213) 487- 5590
www.crf-usa.org

MARJORIE S. STEINBERG
President, Constitutional Rights Foundation

JEROME C. BYRNE
Chairman, Publications Committee
Constitutional Rights Foundation

TODD CLARK
Executive Director

Developed by

Bill Hayes and Marshall Croddy

Editor

Bill Hayes

Principal Staff and Reviewers

Todd Clark, *Executive Director*
Carolyn Pereira, *Executive Director, Constitutional Rights Foundation Chicago*

Board Reviewers

Jerome C. Byrne, Gerald Chaleff, Lee Edmond, Peggy Saferstein, Marvin Sears, Lois Thompson, and Carlton Varner.

Production

Andrew Costly, *Designer and Production Manager*
Navigator Press, *Printing*

© 2000, 1998, 1993, 1991, 1983 by Constitutional Rights Foundation. Third Edition. All rights reserved. Constitutional Rights Foundation grants permission to teachers who own this teacher's guide to make copies for classroom use of the activity masters and test masters. Otherwise no part of this book may be reproduced, in any form or by any means, without written permission. Printed in the United States of America.

The development of these materials was financially assisted through the United States Office of Juvenile Justice and Delinquency Prevention, Grant #85-JS-CX-0007.

Criminla Justice in America
Teacher's Guide

Table of Contents

Overview 4

Section 1: The Text 4
- Goals 4
- Standards Addressed 5
- Organization and Content 6
- Features 7

Section 2: Teaching Strategies 7
- Directed Discussion 8
- Cooperative and Small-Group Learning 8
- Using Resource Experts 8
- Peer Teaching 9
- Handling Controversy 9
- Field Activities 10
- Polling Activities 10
- Briefing Supreme Court Opinions 11
- Using Editorial Cartoons 11
- Updating Statistical Charts 12

Section 3: Teaching Procedures 12
- Initial Recommendations 12
- Teaching Sequence 12
- Introducing the Text 13
  - Unit 1: Crime 14
    - Chapter 1 14
    - Chapter 2 14
    - Chapter 3 15
  - Unit 2: Police 16
    - Chapter 4 16
    - Chapter 5 17
    - Chapter 6 17
    - Chapter 7 20
  - Unit 3: The Criminal Case 21
    - Chapter 8 21
    - Chapter 9 21
    - Chapter 10 22
    - Chapter 11 23
  - Unit 4: Corrections 24
    - Chapter 12 24
    - Chapter 13 24
    - Chapter 14 25
    - Chapter 15 25
    - Chapter 16 25
  - Unit 5: Juvenile Justice 25
    - Chapter 17 26
    - Chapter 18 26
    - Chapter 19 26
    - Chapter 20 27
  - Unit 6: Solutions 27
    - Chapter 21 27
    - Chapter 22 28
    - Chapter 23 28

Section 4: Activity Masters 28
- List of Activity Masters 28
- 0.1 Newsbreak 29
- 0.2 Research Activities 31
- 0.3 Opinion Surveying 32
- 0.4 Briefing a Case 34
- 0.5 Analyzing an Editorial Cartoon 35
- 1.1 Legal-Ease for Unit 1 36
- 1.2 Crime Victims Board 37
- 1.3 Crime Victim Survey 38
- 2.1 Legal-Ease for Unit 2 39
- 2.2 Sampling Class Opinion 40
- 3.1 Legal-Ease for Unit 3 41
- 3.2 The Prosecutor Decides 42
- 3.3 In the Halls of Justice 43
- 3.4 Choosing a Jury 45
- 3.5 The Defense Rests 46
- 4.1 Legal-Ease for Unit 4 47
- 5.1 Legal-Ease for Unit 5 48
- 5.2 Who Should Be in the System? 49
- 5.3 Detain or Release 50
- 6.1 Legal-Ease for Unit 6 51
- 6.2 Fighting Crime in the City of Athena, part one 52
- 6.3 Fighting Crime in the City of Athena, part two 53

Section 5: Test Masters and Answer Keys 54
- Pre- and Post-Observations 55
- Test for Unit 1 56
- Test for Unit 2 58
- Test for Unit 3 60
- Test for Unit 4 62
- Test for Unit 5 64
- Test for Unit 6 67
- Final Test 69
- Test Answers 72
  - Unit 1 72
  - Unit 2 72
  - Unit 3 73
  - Unit 4 73
  - Unit 5 74
  - Unit 6 75
  - Final Test 75

Section 6: References for Student Text 76

Welcome to the third edition of *Criminal Justice in America*. Both the student book and this teacher's guide have been completely updated and revised. For every chapter and almost every reading, we now have resources and links on our web site. This will provide you and your students with additional sources of information, which will be constantly updated. We particularly recommend that you go to the web site to find background information, updated information, the text of cases cited in the student book, additional information for students doing activities, and activities and resources that we have omitted from the student book and placed on our web site. You can also send us your e-mail comments, which will help us with future editions and with the ongoing development of our web site. To get to the *Criminal Justice in America* page, go to the Constitutional Rights Foundation web site at www.crf-usa.org, click on Links, and click on *Criminal Justice in America Links*. To e-mail your comments, send them to bill@crf-usa.org.

Overview

This guide is designed to support the teaching of the material contained in *Criminal Justice in America*. It provides information about the text, detailed descriptions of the variety of teaching strategies employed, suggested teaching sequences, activity masters, and chapter and final tests.

It is organized into the following sections:

1. **The Text.** A detailed description of Criminal Justice in America to give the teacher a quick overview of the purpose, curriculum goals, content, and features of the text.
2. **Teaching Strategies.** A description of the major teaching strategies utilized in the text providing a rationale, teacher tips, and needed preparation for both inside and outside the classroom.
3. **Teaching Procedures.** Suggested teaching procedures and support materials for each chapter of the text organized on a unit-by-unit basis. Each unit includes:
   - An overview.
   - Objectives.
   - Teaching sequences (which utilize the readings and activities and include suggested answers for discussion questions, exercises, or activities).
4. **Activity Masters.** Forms to support various exercises and activities designed for reproduction and distribution to students.
5. **Test Masters and Answer Keys.** Opinion Master (for pre- and post-surveying of opinions), Test Masters and Answer Keys for each unit, and a Final Test Master and Answer Key.
6. **References.** References for the student book.

Section 1: The Text

Criminal Justice in America is the most comprehensive and interactive introductory text available on the subjects of criminal law, procedure, and criminology. It can serve as a basal text for an entire law-related education course or as a supplement for civics, government, or contemporary-issues courses. The purpose of this six-unit text is to provide students with an understanding of the criminal justice system and its laws, procedures, and issues. In addition, *Criminal Justice in America* is designed to help students develop critical-thinking and analytical skills and to assist them in applying the concepts learned in the classroom to real-life situations.

The text uses facts, statistics, and opinions for a balanced and informed presentation of timely issues and policies concerning crime and the criminal justice system. Through case studies, simulations, peer-teaching, decision-making, and field activities, students clarify public-policy issues, identify values, and propose and evaluate solutions.

Goals

The major goals of *Criminal Justice in America* are to help students:

1. Identify the major components of the criminal justice system, including the nature and definition of criminal behavior; the role, scope, and limits of law enforcement; the assumptions and methods of the criminal case process; the philosophies and alternate methods of corrections; the nature and processes of treating the juvenile offender; the causes of crime; and the role of government and citizens in finding solutions to America's crime problems.
2. Develop, state, and defend positions on key issues facing the criminal justice system, including the treatment of victims, police-community relations, jury selection, sentencing, capital punishment, the treatment of juveniles, asset seizures, and the debate over the effect of race and ethnicity at key points in the system.
3. Understand major constitutional protections of due process and equal protection as reflected in the processes of criminal justice.
4. Evaluate the effect of constitutional provisions on criminal procedure, including protections against unreasonable search and seizure, coerced confessions or testimony, cruel and unusual punishment, and the rights of the accused to counsel and a fair trial.
5. Understand the function that people play by taking key roles in the criminal justice system, including police, prosecutors, defense lawyers, judges, jurors, court personnel, probation and parole officers, appellate justices, legislators, and special-interest groups.
6. Understand the role of legislative, executive, and judicial public policy making and analyze and evaluate public policy options.
7. Identify and analyze our society's crime problem in terms of its causes, effects, interventions, and statistical and polemical bases.
8. Develop greater capacity to become involved as citizens to address problems and issues relating to the criminal justice system at the community level, including assessing opinion and conducting crime-prevention projects.

BEST COPY AVAILABLE

Standards Addressed

Standards-based education has arrived. *Criminal Justice in America*, with its emphasis on critical thinking and government content, will meet many different standards. You will have to check your own state's and district's standards. Below are a few national standards that the text addresses. They come from the national standards for civics and for thinking and reasoning at the high school level.

Civics Standards:

Understands the sources, purposes, and functions of law, and the importance of the rule of law for the protection of individual rights and the common good. Specifically:

Knows alternative ideas about the sources of law (e.g., custom, Supreme Being, sovereigns, legislatures) and different varieties of law (e.g., divine law, natural law, common law, statute law, international law)

Knows alternative ideas about the purposes and functions of law (e.g., regulating relationships among people and between people and their government; providing order, predictability, security, and established procedures for the management of conflict; regulating social and economic relationships in civil society)

Understands the importance of Americans sharing and supporting certain values, beliefs, and principles of American constitutional democracy. Specifically:

Understands the significance of fundamental values and principles for the individual and society.

Understands the role and importance of law in the American constitutional system and issues regarding the judicial protection of individual rights. Specifically:

Understands the importance to individuals and to society of major due process protections such as habeas corpus, presumption of innocence, fair notice, impartial tribunal, speedy and public trials, right to counsel, trial by jury, right against self incrimination, protection against double jeopardy, right of appeal.

Understands the advantages and disadvantages of the adversary system. . . .

Knows the basic principles of the juvenile system and the major differences between the due process rights of juveniles and adults.

Understands current issues regarding judicial protection of the rights of individuals.

Understands the formation and implementation of public policy. Specifically:

Knows a public policy issue at the local, state, or national level well enough to identify the major groups interested in that issue and explain their respective positions

Understands the processes by which public policy concerning a local, state, or national issue is formed and carried out

Knows the points at which citizens can monitor or influence the process of public policy formation

Understands why agreement may be difficult or impossible on [some] issues . . . because of conflicts about values, principles, and interests.

Thinking and Reasoning Standards:

Understands and applies the basic principles of presenting an argument. Specifically:

Understands that when people try to prove a point, they may at times select only the information that supports it and ignore the information that contradicts it.

Identifies techniques used to slant information in subtle ways.

Identifies the logic of arguments that are based on quantitative data.

Identifies or seeks out the critical assumptions behind a line of reasoning and uses that to judge the validity of an argument.

Understands that to be convincing, an argument must have both true statements and valid connections among them.

Uses tables, charts, and graphs in constructing arguments.

Evaluates the overall effectiveness of complex arguments.

Effectively uses mental processes that are based on identifying similarities and differences (compares, contrasts, classifies). Specifically:

Identifies abstract patterns of similarities and differences between information on the same topic but from different sources.

Identifies abstract relationships between seemingly unrelated items.

Identifies the qualitative and quantitative traits (other than frequency and obvious importance) that can be used to order and classify items.

Applies basic trouble-shooting and problem-solving techniques. Specifically:

Engages in problem finding and framing for personal situations and situations in the community.

Represents a problem accurately in terms of resources, constraints, and objectives.

Provides summation of the effectiveness of problem-solving techniques.

Examines different options for solving problems of historical importance and determines why specific courses of action were taken.

Evaluates the feasibility of various solutions to problems; recommends and defends a solution.

Applies decision-making techniques. Specifically:

Analyzes current or pending decisions that can affect national or international policy and identifies the consequences of each alternative.

Evaluates the costs and benefits of various alternatives within a decision.

Organization and Content

The text is divided into six units. Each unit contains three or four chapters. The following provides a brief overview:

Introduction

The introduction overviews the content areas of criminal law, procedure, justice, and criminology. Readers are challenged to take an active role in learning about the system.

Unit 1: Crime

Chapter 1—Crime and Its Victims—An examination of America's crime problem—focusing on its human victims and efforts to compensate them, its context in American history, and methods for quantifying the problem of crime.

Chapter 2—Who are the Criminals?—An examination of those who commit crimes, from the violent street criminal to the con artist to the white-collar criminal. A special focus is given to youth gangs.

Chapter 3—Crime and Defenses—A basic primer in criminal law detailing how crimes are classified and defined, what elements constitute a crime, types of crime, legal defenses available to defendants, and a special focus on homicide, crimes of stealing, hate crimes, and computer crime.

Unit Two: The Police

Chapter 4—Police and Society—A survey of public attitudes about police, the history of law enforcement, and the day-to-day activities of the police.

Chapter 5—Methods and Investigations—An exploration of the structure of local police departments and methods of policing and investigation, including community policing, chain of custody, eyewitness identification, the use of informants, and the growing importance of crime labs.

Chapter 6—Police and the Law—An examination of how constitutional doctrines and criminal procedures effect the work of the police with a special focus on the law of search and seizure, interrogations and confessions, and the exclusionary rule.

Chapter 7—The Limits of Police Authority—An exploration of the use of force, controversies over allegations of police brutality, racial profiling, corruption in policing, and methods for policing the police.

Unit Three: The Criminal Case

Chapter 8—The Courts and Case Process—An overview of the court system, judges and judicial independence, the role of prosecutors and defense attorneys, the criminal trial adversary process, the use of evidence to establish facts, and the steps of the criminal trial process.

Chapter 9—Investigation and Arrest—An introduction to the law of arrest and to the hypothetical case upon which the unit is based.

Chapter 10—Pretrial—A step-by-step immersion into pretrial processes and issues, including the role of the defense attorney, the first judicial appearance, bail, prosecutorial review, plea bargaining, and probable cause and arraignment hearings.

Chapter 11—The Trial—An in-depth coverage of key steps of the criminal trial, including the courtroom setting, jury selection, opening statements, the use and rules of evidence, closing arguments, the judge's instructions, jury deliberations, and verdict.

Unit Four: Corrections

Chapter 12—Corrections and Society—An exploration of the rationale and theories of punishment, a brief history of corrections in America, and a review of major policy issues concerning sentencing of convicted defendants.

Chapter 13—Current Debates—A look at the high rate of incarceration and the policies driving it (such as three-strikes and truth-in-sentencing laws), the question whether some mandatory minimums violate the Eighth Amendment, and the issue of whether federal drug sentencing laws are unfair to African Americans.

Chapter 14—Alternatives to Prison—An examination of the major alternatives to incarceration including fines, probation, community service, and community-corrections programs.

Chapter 15—Prisons Today—A look at America's prison system from the inside, its population and conditions, legal challenges to overcrowding, and the problem of violence. Also a focus on the issues of parole and recidivism.

Chapter 16—Capital Punishment—An examination of the legal and political issues raised by the death penalty.

Unit Five: Juvenile Justice

Chapter 17—From Criminal to Delinquent—How a separate system developed for young offenders, the underlying assumptions of that system, and how the emphasis from rehabilitation to punishment has shifted over time.

Chapter 18—The Problem of Delinquency—An examination of delinquency, status offenses, and the major steps in the juvenile adjudicatory process.

Chapter 19—Children and the Constitution—An exploration of the rights of juveniles as protected by key provisions of the Bill of Rights and how they differ from those that apply to adult offenders.

Chapter 20—Juvenile Corrections—A look inside juvenile corrections focusing on the various models for placing and treating offenders, the issue of waiving jurisdiction and transferring juveniles to the adult system, and controversies such as those concerning the death penalty for juveniles and disproportionate minority confinement.

BEST COPY AVAILABLE

Unit Six: Solutions

Chapter 21–The Causes of Crime–An introduction to various theories about the causes of crime and the debates that they engender.

Chapter 22–Crime and the Government–An examination of the federal and state governments' role in finding solutions to the crime problem and debates over various policy options to reduce crime and to improve the fairness of the criminal justice system.

Chapter 23–Crime and the Citizen–Citizen options and issues relating to becoming involved in helping address our society's crime problem, including the history of vigilantism, crime in the schools, burglary prevention in the neighborhood, and local political action.

Features

The *Criminal Justice in America* text contains the following features to support teaching of the material:

Reading and Directed Discussion–These narrative sections provide background information on the substantive aspects of the criminal justice system: law, procedures, and issues. Each reading is supported by a series of discussion questions to check comprehension, clarify content, and promote analysis and evaluation. In addition, almost all of these narratives lead into an accompanying high-interest group or individual activity, which forces the learner to grapple with the material in the reading.

Class Activity–A group or individual classroom activity to provide learners with an opportunity to gather more information on the topic, apply the concepts in the reading to realistic hypothetical situations, and practice analytical, critical-thinking, and decision-making skills. Activities have been designed to provide a variety of learning strategies, including role play, simulation, debate, and research. Many of the activities model real-life criminal justice decision-makers dealing with the problems encountered in their professions: the police, prosecutors, defense attorneys, judges, and probation and parole officers. Others demonstrate the role of legislative, judicial, and executive policy-makers who make, interpret, and enforce the law.

Ask an Expert–A series of activities utilizing outside resource experts–lawyers, police officers, probation officers, judges–to find out how the criminal justice system works in the real world. In addition, many of the group activities lend themselves to having an outside resource person provide additional data and debrief the activity to compare the processes and decisions in the simulation with those operating in the local jurisdiction.

Special Features in Unit 3: The Criminal Case–A set of unique features to provide students with a step-by-step guide to the investigative, pretrial, trial, and verdict phases of a criminal case. As well as educating students about the major assumptions, laws, and procedures that govern a criminal trial, the chapter is specifically designed to help students prepare to participate in a mock trial and intelligently follow local criminal trials as they are reported by the media. Using the-hypothetical "drive-by" homicide case of *People v. Carter*, the chapter includes these additional features:

Case Notes, which provide an ongoing storyline covering the facts, characters and drama of the trial.

Key Steps, which outline the law and procedures of the criminal pretrial and trial.

Activities, which put the students into the shoes of the trial's key players–prosecutors, defense attorneys, judges and jurors–to make the arguments and decisions to settle the fate of the defendant.

Special Internet Features–The Constitutional Rights Foundation web site has resources and links for every chapter of the book. Go to **www.crf-usa.org**, click on Links, and click on *Criminal Justice in America* Links.

Section 2: Teaching Strategies

Good teaching engages the learner with interactive learning strategies, such as directed discussion, role play, simulation, debate, and research. *Criminal Justice in America* utilizes all of these methods and features special applications modeling virtually every key procedure in the criminal justice system: mock trials and hearings, legislative and policy-making bodies, and decision-making functions of prosecutors, defense attorneys, jurors, judges, probation officers and parole boards.

In addition, *Criminal Justice in America* provides models for taking the learning process outside the classroom into the community. It contains opportunities for making field visits to criminal justice institutions such as courts and police facilities, conducting and analyzing opinion polls, doing outside research, and conducting crime prevention and police-community projects. These activities not only promote service learning, they also help students compare the theoretical to actual practices and learn about specific laws and procedures that apply to their own jurisdiction.

In reviewing the materials, note that instructions for conducting the various activities are built into the text. It is important that the teacher utilize as many of these learning opportunities as possible. They are designed to:

- Improve comprehension and concept building by giving the learner the opportunity to review the content covered and apply it to a problem or hypothetical situation in a meaningful and challenging way.
- Develop analytical and critical-thinking skills by making inferences, evaluating evidence, predicting consequences, weighing benefits and costs, identifying and generating alternatives, and stating and supporting opinions and decisions.
- Connect the theoretical and abstract learning of the classroom to real-world domains of issue-oriented citizenship, including those of political and institutional decision making, policy formulation, and political participation.

BEST COPY AVAILABLE

The following is a brief guide to help teachers plan for and utilize the major teaching strategies employed in the text. It is recommended that teachers review these general guidelines before conducting the various strategies and refer back to them as required.

Directed Discussion

Directed discussion is an essential part of classroom learning and especially important in civic and law-related education. It gives the learner an opportunity to check comprehension of the material, compare observations with other classmates, practice communication, develop confidence, and practice higher-order analytical and critical-thinking skills. Each reading in the text is supported by questions to help teachers conduct directed discussions about the major terms and concepts it contains. Sample answers for more technically oriented and higher-order questions are provided for guidance. Depending on the skill levels of the class, the teacher may wish to add and ask additional questions, as necessary.

In discussing a reading or debriefing an activity, it is always important to employ effective questioning techniques, including proper "wait time," appropriate verbal and non-verbal cues, and necessary follow-up. It is also important that all students get the opportunity to answer questions, which may require calling on less assertive learners, as necessary.

When a question calls for a personal opinion, encourage students to:

- Clearly state their opinion.
- Support it with facts, logical arguments, or references to parallel situations and circumstances.
- Clearly define the terms they use.

This will give students practice in stating and giving reasoned support for their opinions. It will also develop criteria by which students can judge the opinions of others.

Cooperative and Small-Group Learning

Cooperative and small-group learning gives students practice in communication, participation, teamwork, bargaining, sharing, and compromise. In addition, these strategies help students of all ability levels learn more effectively. Research also has demonstrated that cooperative learning, in particular, improves comprehension and conceptual learning. Dozens of small-group and class activities are incorporated into *Criminal Justice in America.* Many lend themselves to cooperative learning and teachers are encouraged to apply these techniques. To facilitate their use, the procedural steps of conducting the various activities are detailed in the text.

In general, to maximize student involvement in these activities:

- Construct groups to include a heterogenous mix of students. Consider academic and verbal skills, gender, ethnic and affective factors.
- Give students specific objectives; then give clear instructions for meeting these bjectives.
- Limit your instructions to the task at hand. If students are unfamiliar with small-group work, divide the activity into several segments, each with its own objective. Give groups instructions for completing the first task. When that objective has been accomplished, proceed to the second task and so forth.
- Check student comprehension of instructions and goals before each segment of the activity.
- Circulate to monitor each groups' progress throughout the activity.
- Divide student tasks so that each individual must accomplish his or her task for the group to be successful in its final product. This provides individual motivation and promotes positive peer pressure.
- Encourage students to help one another in accomplishing individual tasks. Provide positive reinforcement for group accomplishments and for the contributions of individual members.
- Hold all students accountable for their groups' decisions, actions, and reports to the class. Also, hold each individual in the group accountable for his or her work.

Using Resource Experts

Classroom visits from informed professionals can be a valuable teaching tool. Resource experts serve as role models and make community institutions more familiar. Furthermore, research has demonstrated that effective use of outside resource persons is an essential component of law-related education programs designed to reduce delinquency.

Criminal Justice in America is designed to give teachers qualitative and consistent methods for utilizing outside resource persons. The Ask an Expert activities provide an ongoing structure for utilizing resource persons at key content points. Even more importantly, resource experts can provide additional content support to the substantive readings and should be encouraged to participate in a critiquing and debriefing activities in which students take on the various decision-making roles of the criminal justice system.

To assure effective use of resource persons, balance in presentation and preparation are key factors. It is important that resource experts do not give an unrealistically glowing or gloomy picture of the criminal justice system. When dealing with controversial issues such as the exclusionary rule or sentencing, both sides should be presented. With many legal issues, it is often effective to balance a prosecutorial point of view with that of the defense bar.

Key to successful preparation of outside resource persons is integrating their expertise into your planned lesson or activity. Experts can serve as subject-matter specialists to enrich the presentation provided or to explain differences in local laws and procedures. They can help students prepare for roles in a simulation from the point of view of a working professional. Using their own experiences, resource volunteers can help debrief the activity by comparing the decisions reached by the students with those reached in the real world.

Avoid using resource experts to give unstructured lectures or career advice. Some experts, inexperienced in working in an educational setting, have the tendency to talk over the students' heads or resort to "war stories." Such anecdotes, while interesting to the students, can give an inaccurate picture of the system. If desirable, set aside a short period at the end of the visit for a question and answer session to deal with such matters.

Finding experts and arranging visits need not be difficult. The public information offices of local or state law-enforcement agencies, the courts and bar associations are all good sources for contacting people from the justice system. Police departments often have community relations or educational officers who make school visits. Offices of elected officials usually provide constituent services and can identify appropriate speakers from government institutions. Finally, many local college or university faculties have criminal justice instructors or political science professors who specialize in law.

When you contact a resource person to make arrangements, be sure to:

- Explain the purpose of the visit. Briefly describe your lesson objectives and how the guest will support it.
- Place the visit in context. Explain the class's current field of study, your planned follow- up activities, etc.
- Describe the audience. Tell the resource person how many students will be present and briefly characterize their age, interests, and achievement levels.
- Specify the scope of the presentation, both in time and content. Be sure this reflects the grade level, maturity, and attention span of your class.
- Request specific dates and times. Suggest two or three alternatives from which your guest can choose. (Many resource persons require at least three weeks advance notice.)
- Be sure the visitor has the correct address, appropriate directions, and parking instructions.

After arranging the visit, confirm it with the principal and other appropriate personnel. It is probably wise to get final confirmation from the resource expert a few days before the presentation.

To make the visit most effective:

- Prepare the class. Discuss the purpose of the visit and provide basic information about the resource person. It may prove useful to have the class compile a list of questions to ask the expert at the conclusion of the lesson.
- Remember that resource experts are not trained teachers. During the presentation, you may need to direct both the guest and the class with appropriate questions and other cues or intervene to ensure students are on-task and respectful.
- Allow sufficient time at the close of the class for a summary of the presentation and a thank you to the guest. Thank-you letters are greatly appreciated by speakers and can easily serve as a language arts lesson.
- In addition to the debriefing questions in the following materials, ask students to comment on what they learned from the experience and how it influenced their views about the speaker's profession or topic. Encourage their constructive suggestions for improving such experiences.

Peer Teaching

With peer teaching, young people can practice and apply their research and communication skills while improving their self-esteem. By taking on the responsibility of teaching, students can benefit from one another's knowledge, attitudes, and experiences. Peer teaching can occur in nearly any group learning situation, but is most successful when students instruct those younger than themselves.

"To teach is to learn twice over," so the saying goes, and the most essential part of peer teaching is that students must thoroughly learn and then demonstrate their knowledge of the subject matter at hand. Peer teaching stresses planning and organization skills. Educators should assist students in developing presentation and teaching skills.

Handling Controversy

The materials in the text are designed to stimulate the active involvement of students by using methodologies that stress participation. This is particularly true when discussing issues of public policy and criminal justice. As such, some of the hypotheticals are inherently controversial. These were developed for two reasons: (1) to provide a realistic context for the discussion of the criminal justice system and (2) to generate critical thinking, debate, and analysis on the part of the students.

It's important to lay down ground rules and post them in the classroom in advance of discussing controversial issues. Discuss with the class what these rules should be and get the class to agree in advance to abide by the rules. Below are some suggested rules:

Students should:

- argue ideas, not personalities or prejudices.
- represent the opposing position(s) fairly and accurately.
- demonstrate an attempt to understand the opposing perspective(s).
- be able to admit doubts and weaknesses in their own position.
- concentrate on evidence in their arguments.

If a serious disagreement arises in your classroom, remind students that they agreed to abide by the ground rules and then set about clarifying the disagreement:

- Identify the issue or issues under dispute.
- Identify areas of agreement and disagreement.
- Identify underlying assumptions.
- Make sure students concretely define terms and avoid slogans.

BEST COPY AVAILABLE

The process of definition may bring the subject to closure. If not, use an appropriate strategy for addressing the controversy, such as a discussion, research, formal debate, an anonymous writing assignment, private or public mediation, or a forced perspective activity in which students must argue an issue from the other side. Note that some of these activities can be prepared or completed outside of the class without serious disruption to your schedule.

Students should look for a chance to air their own views, hear their opponents' views, and examine both. Be sure students understand that closure of a controversy does not mean one side wins.

Field Activities

Field activities can be completed as a class or students can visit places in independent groups of two to six. Either way, field activities increase student interest and actively involve them in the learning process. They also acquaint students with how the law and the criminal justice system work in their own communities, what specific problems relating to crime the community faces, and how students might help in dealing with the problems. In short, field activities can be an essential first step to both effective service learning and citizenship.

Organization and pre-planning are essential to getting the most out of field studies activities. Make certain students establish goals (what they want to get out of this visit) and prepare questions to ask while on site.

Here are some tips for successful field activities:

1. Contact the group or institution to be visited at least two weeks in advance. Summarize the purpose of the visit and identify the staff available to meet with the students. Provide vital information, such as number of students, their age, and grade level. One day before the visit, call and confirm the appointment with the organization. It is useful to involve students in this process so that they can take a greater responsibility for future arrangements.
2. Prepare students for the visit. Brief them on the proper dress and behavior expected of them outside the classroom. Help them develop questions to ask on site. The answers to the questions can serve as the basis of a report back on the activity to be given in class or for extra credit.
3. Students allowed to complete their field activities unsupervised should be chosen with regard to their past behavior. If parental consent is necessary, prepare students with proper forms. While many field visits can be arranged for non-school hours, help make arrangements for permission for excuses from other classes, if necessary. Transportation arrangements should be discussed and confirmed.
4. After the visit, discuss the activity by using debriefing questions, such as: What happened during the visit? How did it affect your view of the criminal justice system? What major insights about the system did you gain? Did you encounter any problems during the experience? How could this field activity be improved?

Polling Activities

Studying opinion polls help students understand the role of public opinion in formulating and debating public policy. They also give students a view of community opinions, attitudes, and perceived problems. *Criminal Justice in America* cites many opinion polls and even provides several suggested polling activities, which are designed to assess student or community opinion about a range of issues. All the opinion polls in the text offer opportunities for further activities. Students can:

- Analyze the questions, looking to see if the phrasing could be improved.
- Create their own survey, based on the poll.
- Use the opinion poll to conduct a survey of students or the community.

If students are going to undertake a poll, consider the following guidelines:

1. **Before Conducting a Polling Activity.** Lead a class discussion on the role opinion gathering plays in our society. Then discuss some of the practical considerations of opinion sampling. For example:
    - Help students understand the purpose of sampling by discussing the difficulties of polling every member of a community. Ask the students to decide what their collective sample should be. Make sure that students understand that the results of their poll, given the statistical sample, probably will not be scientifically valid, but can give a rough indication of opinion.
    - Discuss the general rule of polling: Every person in the "universe" they're seeking to assess should have
    - an equal chance of being polled. For example, if their "universe" is a high school (grades 9-12), the poll should not just be given in senior home rooms.
    - Using the school poll example, explain that the number of students sampled by grade also should be proportional to their size in the "universe." For example, if 150 students are to be asked to fill out the questionnaire and 30 percent of the students in the school are juniors, then roughly 45 (30 percent of 150) of those questioned should be juniors.
    - Review the tips on Activity Master 0.3 **Opinion Surveying** and if time allows, have the students practice role playing before they ask people to fill out the questionnaire. As practice, conduct the poll with the class as the universe and have students work in pairs to poll one another. The results of this poll can serve as a baseline comparison to school-wide or community results.

2. **Conducting the Poll:** Based on the sample, each student should be given a specific number of subjects to poll. For instance, using the example from above, assuming a target of 150 subjects and a class size of 30, each student should poll five students. Polling could be conducted during lunch, after school, during a weekend, or between class periods. Instruct students to complete their polling by the next class session.
3. **Tallying the Poll Results:** A fast method for tallying is to reassemble the class in their assigned poll-taking groups. Have each group tally its questionnaires. Then combine the group tallies for the class as a whole.
4. **Debriefing the Poll Results:** One interesting way to debrief polling activities is to compare results among the various groups polled. Pay particular attention to schoolwide or community results. This can be done on an item-by-item or on a selected item basis. Ask students to try to explain the differences in results. Also, debrief the polling experience with questions such as:
    - What problems did you encounter when conducting the poll? How did you overcome these problems?
    - How did it feel to conduct the poll? How cooperative were your subjects?
    - Did any of your opinions change as a result of conducting the poll? Why or why not?
    - Based on your experience, is polling a valuable way to assess public opinion? Why or why not?
    - If you were to conduct another poll, what would you do differently? The same? Why?

Briefing Supreme Court Opinions

The text cites many Supreme Court opinions. Some students assume that because the Supreme Court decided a case, this decision is the one and only correct answer. Stress that for a case to reach the Supreme Court, both parties had to hold strong reasons and values that they thought should win. If the court had different members, a different decision may well have been reached. As a matter of law, Supreme Court decisions provide a definitive answer to the issue posed, but many are subsequently modified or even reversed. Emphasize that they can disagree with a court opinion, but they should be able to support their opinion with good reasons.

In law school, students usually brief cases, i.e., make short summaries of court opinions. As an additional exercise, you might assign different students to brief one of the many opinions mentioned in the text. Most of these opinions are readily available on the Internet and can be found from links on Constitutional Rights Foundation's web site. (Tell students to go to **www.crf-usa.org**, click on Links, click on *Criminal Justice in America* Links, and click on Table of Cases.) When students encounter a case on the Internet, it usually divided into:

- A **syllabus** (a shortened version of the case, but it may be easier for students to read the case itself rather than the syllabus—encourage them to go beyond the syllabus).
- **Opinion of the court.** Court opinions vary in length. Some can be quite long, but most are about five pages.
- **Concurring opinions.**
- **Dissenting opinions.**

When briefing a case, students can use the form on Activity Master #0.4. Before students brief cases on their own, be sure to give a demonstration in class and some practice cases. Below is a sample brief of *U.S. v. Ross*, which is discussed in the student book on pages 82-85.

Brief of Court Opinion for *U.S. v. Ross*

Name of Court: U.S. Supreme Court
Date Decided: 1982 **Vote:** 6-3

Facts: Police pulled over suspect Ross because a reliable informant told them he was dealing drugs and had them in the trunk of his car. Without a warrant, police searched the trunk and found a paper bag with small cellophane bags inside containing white powder. At the station, police again searched the car and found $3,200 in cash.

Most Important Issue: Did the search of the car violate the Fourth Amendment?

Holding: No, police may conduct searches of vehicles without warrants as long as they have probable cause.

Reasoning: For searches of automobiles, the court made an exception to the warrant requirement because if police had to wait to get a warrant, cars could easily be moved and any evidence in them could be concealed or destroyed.

Dissent: This decision repeals the Fourth Amendment's warrant requirement and ignores the importance of letting a judge determine probable cause. Furthermore, the court rests its decision on the mobility of cars. It fails to explain why the police could not have seized the paper bag, gotten a warrant, and then searched it.

Do you agree with the opinion of the court? (Students should answer this with reasons.)

Using Editorial Cartoons

Editorial cartoons are in various places throughout the text. They offer opportunities for additional student activities. Students can:

- Analyze the cartoons in the book. Activity Master 0.5 provides a framework for analysis.
- Collect additional cartoons. Make sure that students understand they are to collect editorial cartoons, which express an opinion, and not other comics, which may have criminal justice as a topic but which do not necessarily express an opinion. Students can use Activity Master 0.1 as a subject guide for collecting cartoons. Once they have cartoons, they can analyze them using Activity Master 0.5 or create scrap books or bulletin board displays.

BEST COPY AVAILABLE

- Create a cartoon on a criminal justice subject. You might suggest that students a new cartoon to counter one they disagree with in the text.

Updating Statistical Charts

The text has more than 50 charts, most filled with statistics from federal government sources. Many of these charts are updated annually. If students have Internet connections, they can be assigned to find and report to the class on the updated version of one of these charts. Listed below are the charts that are usually updated each year and the page they are on in the student text.

The Age of Victims of Violent Crimes 9
Murder by Intimates 10
Crime Index Offenses 11
Property Crime Rates 12
U.S. Homicide Rates 25
Age of Gang Members 30
Federal Law-Enforcement Officers 61
Starting Police Salaries 67
Local Police Officers 68
Felony Defendants 125
Time from Arrest to Adjudication 127
Felony Convictions in State Courts 135
Size of Juries in Felony Cases 145
Corrections Population 173
Number of Adults in Prison 181
Prisoner Profile 186
Prison Spending 189
Characteristics of Adults on Parole 209
Number of Persons Executed 213
Persons Under Sentence of Death 215
Juvenile Court Processing 233
Percent of Arrests Involving Juveniles 240
Rates of Juveniles in Custody 250
Rate of Violent Crime 283

Section 3: Teaching Procedures

Initial Recommendations

Before beginning instruction on *Criminal Justice in America*, it is recommended that the teacher:

- Identify several potential outside resource people, such as a lawyer and a police officer, who can support instruction on the material and serve as a content resource person.
- Thoroughly review the readings and activities in each of the chapters.
- Review the material available on the *Criminal Justice in America* section of Constitutional Rights Foundation's web site.
- Determine whether to teach the entire text, specific chapters, or parts within chapters. Factors in making this determination might include your curriculum goals, the instructional time available, students' ability level, and their familiarity with small-group work. When you have made the selection, estimate the amount of time necessary to adequately cover the material and plan accordingly.
- If desirable, assess students' general attitudes about the criminal justice system by reproducing and distributing copies of the **Pre- and Post-Observations**, an opinion master. This instrument can also be administered at the conclusion of the study to determine changes or shifts in attitudes.
- Adequately prepare each lesson by reading each article, reviewing and adjusting the questioning strategy, reviewing activity procedures (which are provided in the text) These give clear instructions for both the teacher and the students. It is important to review them in advance and with the students in class before conducting the activity.
- In preparing a lesson, viewing the resource material on the *Criminal Justice in America* section of Constitutional Rights Foundation's web site may provide background information and additional lesson ideas.
- When preparing for a lesson, note that model answers are provided in many, but not all, cases. Answers are provided for exercises or questioning sequences in which students are required to apply concepts of a technical legal nature. They are generally not provided for answers readily apparent from the text or for those questions asking students to state and support their own opinions. These questions are best evaluated by the teacher based upon the information provided.

Teaching Sequence

The following sections, organized chapter-by-chapter, describe a recommended teaching sequence for the material contained in *Criminal Justice in America*. In most cases, each

lesson sequence will contain at least one reading and discussion and at least one classroom activity. In many cases, however, additional readings and activities are included for further exploration. In using the sequence, please note the following symbols and their meanings which are used throughout:

AM This symbol means that an ***activity master*** (which can be reproduced for distribution to students) supports the reading or activity. Activity masters are designated by number and can be found in Section 4: Activity Masters. The first activity for each unit is called Legal-Ease and consists of a glossary of key legal terms. This activity master can be distributed after students read the introduction. It will support their study of the rest of the unit.

R This symbol means that a ***resource person*** is recommended for conducting this lesson. Note: Only those activities designated "Ask an Expert" actually require a resource person.

O This symbol means that this reading, feature, or activity, while recommended, is ***optional***.

Introducing the Text

Preparation:

- Review the Introduction to the text.
- Bring to class six or seven recent editions of your local newspaper complete with all sections and five or six pairs of scissors or marking pens.
- Sufficient copies of Activity Master 0.1 **Newsbreak**.

Procedure:

1. **Introduction:** Briefly overview the purpose for a study of the criminal justice system based on the rationale provided in this teacher's guide. If desirable, also cover the goals of the study as described in this guide (p. 4).
2. **Focus Activity:** Crime and Popular Culture Brainstorm—Ask students to think of a movie, book, song or television show that has something to do with crime. Students should give the title or description of the work. Then ask: Why do you think crime is such a popular subject? Encourage students to state and support an opinion. Explain that writers and artists have long been fascinated by crime, the police, criminals, criminal trials, and prisons and that their study of criminal justice will help them learn about the reality of these issues.
3. **Reading and Discussion:** Have students read the introduction to the text (pp. 5-6). Write the terms Criminal Law, Criminal Procedure, Criminal Justice System, and Criminology on the board. Ask students to give definitions of each and demonstrate their understanding of the terms by providing examples for each. Discuss any questions they might have.
4. **Activity: Newspaper Crime Search**

   Step 1. Explain to students that issues of criminal justice are not only a popular subject for fiction, but they interest the news media as well. Newspapers, news magazines, television news broadcasts, and documentaries often cover issues of crime and are an excellent resource for a study of the subject.

   Step 2. Write the following headings on the board: Crime, Police, Criminal Trials, Corrections, Juvenile Justice, and Solutions. Explain that each heading corresponds to one of the chapters in the text. Then distribute Activity Master 0.1 **Newsbreak** and review the descriptions with students.

   Step 3. Divide the class into groups of four to five students and give each group a newspaper (or give each group one of the major sections of the paper).

   Step 4. Instruct students to work in their groups to skim newspapers for articles, features, cartoons, photos, reviews of movies or books, and advertisements that fit into the categories. Each one found should be clipped or circled with a marking pen and categorized.

   Step 5. Debrief the activity by having groups report on three items from each category, stating why they decided to place the items under those headings. (Note: Items may legitimately fit into more than one category.) Then ask:

   - What percentage of your newspaper is devoted to crime issues?
   - What percentage of your items fell under the "solutions" category?
   - Why do you think the media pays so much attention to crime?
5. **Follow-up Activity:** Students can continue to collect articles as an ongoing individual activity for credit or extra credit. As they progress through the text, students can use the categories to collect items and prepare (1) scrap books or (2) a class bulletin board or collage.
6. **Additional Resources:** Also included are four additional activity masters for optional use:

   Activity Master 0.2 **Research Activities for Enrichment and Extra Credit** outlines individual research and reporting activities students can complete for the first four chapters of the book.

   Activity Master 0.3 **Opinion Surveying** provides background information and tips for review by the teacher and student before conducting any of the survey activities throughout the book.

   Activity Master 0.4 **Briefing a Case** provides a framework for students to brief court opinions, which are frequently cited in the text and can be found on the Internet and in libraries.

   Activity Master 0.5 **Analyzing an Editorial Cartoon** provides a framework for analyzing editorial cartoons. Cartoons are found in the text and students can collect their own cartoons on the various criminal justice topics.

Unit 1: Crime

Overview: A three-chapter unit focusing on crime victims, compensation, and a historical perspective on violent crime; violent and non-violent criminals including gangs and white collar offenders; and the definition of crime in terms of elements, types of crime, and defenses to criminal charges.

Objectives: By the completion of this unit, students will be able to:

1. Describe the effects of crime on victims of domestic violence, robbery, and identity theft.
2. Decide whether hypothetical crime victims should receive victim compensation based on criteria.
3. Identify restitution and compensation as methods for addressing the plight of victims.
4. Express and support an opinion on whether a crime victim's rights amendment should be added to the U.S. Constitution.
5. Demonstrate a historical awareness of America's crime problem by comparing current conditions with those that existed in the past.
6. Compare two methods of measuring America's crime rate.
7. Identify and describe violent street gangs and white-collar criminals as significant contributors to America's crime problem.
8. Distinguish between felonies and misdemeanors and give examples of each.
9. Analyze criminal conduct in terms of act, intent, concurrence of act and intent, and causation.
10. Describe and distinguish among four common homicide crimes.
11. Describe and distinguish among four common stealing crimes.
12. Identify and describe self-defense, insanity and entrapment as affirmative defenses to criminal conviction.
13. Express a reasoned opinion on whether hate crimes should be enacted.
14. Describe two different types of computer crime.

Introduction

AM 1.1

Chapter 1: Crime and its Victims

Lesson Sequence 1

Who are the Victims?: Introduction to readings about crime victims. (p. 8)

Victims of Violent Crimes: Reading and discussion about victims of rape and robbery, including personal accounts of two victims. (p. 8)

Ask an Expert: Class invites a representative from a rape or domestic-violence crisis center to discuss services available to victims of these crimes. (p. 10) O R

Lesson Sequence 2

Victims of Property Crimes: Reading and discussion about victims of two property crimes–burglary and identity theft–and the personal account of two victims. (p. 11)

Lesson Sequence 3

Helping Victims of Crime: Reading and discussion about victim compensation programs. (p. 13)

Class Activity: Crime Victims Board–Based on given criteria, students reach decisions on whether to award compensation to victims in given hypothetical cases. (p. 15) AM 1.2

Lesson Sequence 4

The Push for Victims' Rights: Reading and discussion about federal and state laws and proposals for protecting crime victims. (p. 16)

Class Activity: Victims' Rights Amendment–Students role play state legislators deciding on a proposed victims' right amendment to the U.S. Constitution. (p. 19)

Ask an Expert: Class invites a prosecuting attorney to discuss victim services and rights in your state. The expert can also assist in the activity. (p. 18) O R

Lesson Sequence 5

History of Violent Crime in America: A Look Back . . . : Reading and discussion about the history of violent crime in America in comparison to current perceptions about America's crime problem. (p. 19)

Class Activity: Now and Then–Students interview an older person and compare this person's experience with crime growing up to their own. (p. 24)

Lesson Sequence 6

How Much Crime Is There?: Reading and discussion about the two primary measures used to report and analyze the nation's crime problem–the Uniform Crime Reports and the National Crime Victimization Survey– and the trends they report in violent crime. (p. 24)

Class Activity: Crime Victim Survey–Students conduct a survey about victims of crime in their own community. (p. 26) AM 1.3

Chapter 2: Who are the Criminals?

Lesson Sequence 1

Youth, Gangs, and Violence: Reading and discussion about youth gangs in America from both a historical and contemporary perspective. (p. 27)

Class Activity: Take Back the Park–In a role play, students take part in a policy debate before a hypothetical city council over a proposed ordinance to ban gang members from municipal parks. (p. 32) R

Lesson Sequence 2

Swindlers and Con Artists: Reading and discussion on white-collar criminals such as Charles Keating and on other fraudulent schemes that victimize thousands each year, including the Pigeon Drop, Bank Examiner Swindle, Luxury Tax Scam, and telemarketing scams and Internet fraud. (p. 33)

Activity: More Cons–Students research and report on additional bunco schemes. (p. 36) O

Ask an Expert: Class invites an officer from the bunco squad to discuss con games. (p. 34) O R

Chapter 3: Crime and Defenses

Lesson Sequence 1

The Basics of Crime: Reading and discussion about the sources of criminal law and the classification of crimes into felonies and misdemeanors. (p. 37)

Class Activity: Felony or Misdemeanor?–In pairs, students evaluate whether certain actions should be crimes, and if so, whether they should be felonies or misdemeanors. (p. 38)

Lesson Sequence 2

Ingredients of a Crime: Reading that describes and explains the four elements of all crimes–act, intent, concurrence of act and intent, and causation. (p. 38)

Class Activity: Did They Commit Crimes?–Students apply the four elements to hypotheticals to determine whether criminal conduct has taken place. (p. 39)

Answers to Class Activity

Case 1: Tim: All four elements of battery are accounted for.

Case 2: Karen: The act and causation are present. Karen had the intent two months previous to the act, she denies she had the intent when the act happened. So the problem area is the concurrence of act and intent. A judge or jury would have to decide.

Case 3: Ray: All the elements are present. The only problem area is intent. But it seems like criminal negligence to clean a loaded gun pointed toward children at play.

Case 4: Gina: All the elements are present.

Case 5: Gayle: Three of the elements are clearly present. Causation presents a problem. There was an intervening act (negligence or malpractice) that caused Mary's death. Gayle probably could not be convicted of murder.

Lesson Sequence 3

Murder Most Foul: Reading and discussion about types of crimes with a special focus on homicide and various property crimes. (p. 40)

Class Activity: Death in the School Halls–Students apply their knowledge about the elements of homicide to a hypothetical case to determine what crime was committed. (p. 42) R

Answers to Class Activity

Murder: Probably not, because it is difficult to establish malice aforethought since the gun accidentally discharged.

Felony murder: This may be a valid theory. Adam was attempting to kill Rick (a felony) when he killed another person by accident.

Voluntary manslaughter: Unlikely. Adam had sufficient time to cool off after he was seriously provoked by Rick.

Involuntary manslaughter: All the elements are present. Rick was engaged in an unlawful act–carrying a gun on school premises–and by doing so he was criminally negligent. A killing resulting from the negligence would constitute involuntary manslaughter.

Lesson Sequence 4

No Honor Among Thieves: Reading and discussion about the criminal classifications of different types of stealing. (p. 42)

Class Activity: What's the Crime–Students analyze a hypothetical to determine which crimes of stealing have been committed. (p. 44)

Answers to Class Activity

Amy = larceny
Bob = receiving stolen property
Carol = embezzlement
Dave = burglary
Eden = extortion
Frank = armed robbery
Gina = fraud

Ask an Expert: Class invites a criminal lawyer to discuss elements of crimes. (p. 43) O R

Lesson Sequence 5

Hate Crimes: Reading and discussion on the development of hate crimes, court cases challenging them, and the pros and cons of enacting them. (p. 45)

Class Activity: Hate-Crime Bill–Students role play legislators considering a proposed hate- crime law. (p. 48)

Lesson Sequence 6

Cybercrime: Reading and discussion about Internet crimes such as hacking and fraud. (p. 49)

Class Activity: Free Speech–Students examine examples of material on the Internet and decide whether each should be protected as free speech. (p. 51)

Lesson Sequence 7

Legal Defenses to Crime: Reading and discussion explaining the affirmative defenses of insanity, self-defense, and entrapment. (p. 51)

Class Activity: The Insanity Defense–Students apply the four insanity tests to a hypothetical case. (p. 55) R

Answers to Class Activity

1. **M'Naghten Rule:** No. There is no evidence that Mark either did not know what he was doing or that he did not know it was wrong.
2. **The Irresistible Impulse Rule:** Yes. If Mark's statement is true, he was acting under an insane impulse and couldn't control himself.
3. **The *Durham* Rule:** Yes, if it could be shown that Mark's act was the product of mental disease or defect.
4. ***Model Penal Code* Test:** Yes, if it could be shown that because of a mental disease or defect that he lacked substantial capacity to conform his conduct to the requirements of the law.

Class Activity: What Defense Is Valid?— Students apply the elements of the defenses of insanity, self-defense, entrapment to hypotheticals to determine whether a defense could be raised. (p. 55)

Answers to Class Activity

Peter Hope
Insanity: No evidence but a possibility.
Self-defense: No. Force used was not reasonable.
Entrapment: No.

Martha Heart
Insanity: No evidence.
Self-defense: No.
Entrapment: Valid. The officer clearly put the idea in Martha's head.

Karen Sanchez
Insanity: No evidence.
Self-defense: Possible. It depends on whether her belief about the salesperson was reasonable under the circumstances. That it was wrong is not crucial.
Entrapment: No.

Class Activity: Debate on Insanity—Students write an essay on the statement: *The insanity defense should be abolished.* (p. 56)

Unit 2: The Police

Overview: A four-chapter unit examining the role and history of police in society; how police investigate crimes and methods of policing; the constitutional principles and laws that govern their work, including provisions of the Fourth and Fifth amendments of the U.S. Constitution; and the limits of police authority, which focuses on racial profiling, police corruption, the use of force, and methods of citizen overview.

Objectives: By the completion of this unit, students will be able to:

1. Identify common public attitudes about law enforcement.
2. Conduct a survey and analyze school and community attitudes about law enforcement.
3. Demonstrate a historical awareness about law enforcement by comparing today's professional law enforcement with that of previous eras.
4. Explain several different police procedures for identifying suspects and express a reasoned opinion on which is most reliable.
5. Identify the Fourth, Fifth and Fourteenth amendments as the source of important restraints on police power.
6. Analyze searches to determine their legality.
7. Identify the *Miranda* rule and describe it in terms of its underlying rationale.
8. Describe the exclusionary rule and state and support an opinion about it in terms of its efficacy and fairness.
9. Explain what racial profiling is and express a reasoned opinion on what should be done about it.
10. Identify examples of police corruption and express a reasoned opinion on what can be done to prevent corruption.
11. Identify the elements of the doctrine of reasonable force and analyze hypothetical situations in terms of its applicability.
12. Decide hypothetical cases of police misconduct.

Introduction

LAW 2.1

Chapter 4: Police and Society

Lesson Sequence 1

A Question of Attitude: Reading and discussion about citizens' different attitudes toward police work and a study of why officers take up police work. (p. 58)

Class Activity: Sampling Class Opinion—Students conduct a survey of their class' attitudes toward police. (p. 59)
LAW 0.2 and 2.2.

Activity: Sampling Public Opinion—Students create and conduct an attitude survey for community members. (p. 59) O

Activity: Sampling Police Attitudes—Students create and conduct a survey of police attitudes. (p. 59) O

Lesson Sequence 2

From Citizen Volunteers to Professional Police: Reading and discussion about how publicly funded police forces developed. (p. 60)

Class Activity: Police Call—Students role play police in action. (p. 62) R AM 2.3

Chapter 5: Methods and Investigations

Lesson Sequence 1

Local Police: Reading and discussion on local police departments, their structure, police work, and opportunities for minorities and women. (p. 65)

Community Policing: Reading and discussion about the theory of community-oriented policing and some different examples of it in practice. (p. 68)

Activity: Checking Out Community Policing—Students research and report on local or national efforts at community policing. (p. 70) O

Lesson Sequence 2

Criminal Investigations: Reading and discussion about investigative techniques such as sealing off crime scenes, getting eyewitness identifications, and using informants. (p. 43)

Class Activity: Is This the One?—Students critically examine police procedures for identifying suspects in three hypothetical cases. (p. 73)

Lesson Sequence 3

Crime Labs: Reading and discussion on the growing use of crime labs and the different components of these labs. (p. 74)

Class Activity: DNA From Everyone Arrested?—Students evaluate the pros and cons of taking DNA from everyone who is arrested. (p. 76)

Chapter 6: Police and the Law

Lesson Sequence 1

Criminal Procedure: Introductory reading and discussion about criminal procedure. (p. 77)

The Law of Search and Seizure: Brief introductory reading on Fourth Amendment limits on police. (p. 78) R

Lesson Sequence 2

Has a Search and Seizure Taken Place?: Reading and discussion about this first question in analyzing search-and-seizure cases. (p. 78)

Answers to question #4 on page 80

a. **Yes.** The police officer is an agent of the government and making an arrest is a seizure.

b. **No.** Lois, though an agent of the government, did not search or seize because such items were clearly visible from her property.

c. **No.** Sanchez had every right to be on the hill and saw the stolen cars in plain view.

d. **Yes.** George has a reasonable expectation of privacy in his person.

e. **No.** The police did not exercise sufficient custody or control to constitute an arrest.

Class Activity: Is It a Search?—After small groups discuss actual cases raising issues of search and seizure, individuals research online or in a law library to find out how the U.S. Supreme Court ruled in a given case. (p. 80)

Answers to Class Activity

a. ***California v. Ciraolo***

Facts: Unable to see over Mike's 10-foot-high fence, police hire a plane and fly over the house at 1,000 feet and see marijuana plants growing in the backyard.

Court holding: NO SEARCH.

Chief Justice Burger for the court: "[T]he mere fact an individual has taken measures to restrict some view of his activities [does not] preclude an officer's observations from a public vantage point where he has a right to be and which renders the activities clearly visible . . . . Any member of the flying public who glanced down could have seen everything that these officers observed . . . [We] readily conclude that respondent's expectation that his garden was protected from such observation is unreasonable and is not an expectation that society is prepared to honor."

Justice Powell dissenting: "[T]he Court believes that citizens bear the risk that air travelers will observe activities occurring within backyards . . . This risk, the Court appears to hold, nullifies expectations of privacy. . . . This line of reasoning is flawed. First, the actual risk to privacy from commercial or pleasure aircraft is virtually nonexistent. Travelers . . . normally obtain at most a fleeting, anonymous, and non-discriminating glimpse of the landscape and buildings over which they pass. . . . [On the other hand] [a]erial surveillance is nearly as intrusive on family privacy as physical trespass into the curtilage."

Florida v. Riley

Facts: Wanting to see inside Riley's partially covered greenhouse, police fly a helicopter at 400 feet and take a look.

Court holding: NO SEARCH

Justice White for the court: "Any member of the public could legally have been flying over Riley's property in a helicopter at the altitude of 400 feet and could have observed Riley's greenhouse."

20 BEST COPY AVAILABLE

Justice Brennan dissenting: "The question before us must not be whether the police were where they had a right to be, but whether public observation of Riley's curtilage was so commonplace that Riley's expectation of privacy in his backyard could not be considered reasonable."

b. Smith v. Maryland

Facts: Police install a device at the phone company office that keeps track of the numbers that Gilbert dials from his home phone.

Court holding: NO SEARCH

Justice Blackmun for the court: "When he used his phone, petitioner voluntarily conveyed numerical information to the telephone company and 'exposed' that information to its equipment in the ordinary course of business. In so doing, petitioner assumed the risk that the company would reveal to police the numbers he dialed."

Justice Marshall dissenting: "[I]t does not follow that [people] expect this information to be made available to the public in general or the government in particular. Privacy is not a discrete commodity, possessed absolutely or not at all. Those who disclose certain facts to a bank or phone company for a limited business purpose need not assume that this information will be released to other persons for other purposes."

c. California v. Greenwood

Facts: Suspecting drug dealing, police have the trash collector turn over Bill's trash to them instead of throwing it in the trash truck.

Court holding: NO SEARCH

Justice White for the court: "[W]e conclude that respondents exposed their garbage to the public sufficiently to defeat their claim to Fourth Amendment protection. It is common knowledge that plastic garbage bags left on or at the side of a public street are readily accessible to animals, children, scavengers, snoops, and other members of the public."

Justice Brennan dissenting: "The mere *possibility* that unwelcome meddlers *might* open and rummage through the containers does not negate the expectation of privacy in its contents any more than the possibility of a burglary negates an expectation of privacy in the home; or the possibility that an operator will listen in on a telephone conversation negates an expectation of privacy in the words spoken on the telephone."

d. Katz v. U.S.

Facts: The FBI listens to Joe's conversation by attaching an electronic eavesdropping device to the outside of the public telephone booth he uses at 11 a.m. every day.

Court holding: SEARCH

Justice Stewart for the court: "The Government's activities in electronically listening to and recording the petitioner's words violated the privacy upon which he justifiably relied while using the telephone booth and thus constituted a 'search and seizure' within the meaning of the Fourth Amendment. The fact that the electronic device employed to achieve that end did not happen to penetrate the wall of the booth can have no constitutional significance."

Justice Black dissenting: "A conversation overheard by eavesdropping, whether by plain snooping or wiretapping, is not tangible and, under the normally accepted meanings of the words, can neither be searched nor seized."

e. Arizona v. Hicks

Facts: Investigating a shooting, police legally enter an apartment looking for weapons and the shooter. While inside, an officer spots a high-priced stereo which seems out of place in the rundown apartment. The officer picks it up, jots down the serial number, puts it down, calls headquarters, and finds out the stereo is stolen.

Court holding: SEARCH

Justice Scalia for the court: "Officer Nelson's moving of the equipment . . . did constitute a 'search' separate and apart from the search for the shooter, victims, and weapons . . . . Merely inspecting those parts of the turntable that came into view during the latter search would not have constituted an independent search, because it would have produced no additional invasion of respondent's privacy interest . . . . But taking action, unrelated to the objectives of the authorized intrusion, which exposed to view concealed portions of the apartment or its contents, did produce a new invasion of respondent's privacy . . . . A search is a search, even if it happens to disclose nothing but the bottom of a turntable."

Justice O'Connor dissenting: "[I]f police officers have a reasonable, articulable suspicion that an object they come across during the course of a lawful search is evidence of crime, in my view they may make a cursory examination of the object to verify their suspicion. If the officers wish to go beyond such a cursory examination of the object, however, they must have probable cause."

f. Oliver v. U.S.

Facts: Oliver posts "no trespassing" signs around his land and locks the gate to his property. Police go onto a highly secluded part of his land about a mile from his house and find marijuana plants growing.

Court holding: NO SEARCH.

Justice Powell for the court: "The Amendment does not protect the merely subjective expectation of privacy, but only those 'expectation[s] that society is prepared to recognized as "reasonable."' [A]n individual may not legitimately demand privacy for activities conducted out of doors in fields, except in the area immediately surrounding the home . . . . [O]pen fields do not provide the setting for those intimate activities that the Amendment is intended to shelter from government interference or surveillance. There is no societal interest in protecting the privacy of those activities, such as the cultivation of crops

that occur in open fields. Moreover, as a practical matter these lands usually are accessible to the public and the police in ways that a home, an office, or commercial structure would not be. It is not generally true that fences or 'No Trespassing' signs effectively bar the public from viewing open fields in rural areas."

Justice Marshall dissenting: "[The] law not only recognizes the legitimacy of Oliver's and Thornton's insistence that strangers keep off their land, but subjects those who refuse to respect their wishes to the most severe of penalties–criminal liability. Under these circumstances, it is hard to credit the Court's assertion that Oliver's . . . expectations of privacy serve not of a sort that society is prepared to recognize as reasonable . . . . [A] deliberate entry by a private citizen onto private property marked with 'No Trespassing' signs will expose him to criminal liability. I see no reason why a government official should not be obliged to respect such unequivocal and universally understood manifestations of a landowner's desire for privacy."

g. Bond v. U.S.

Facts: A Border Patrol agent boards a bus in Texas. As he walks down the aisle, he squeezes the luggage that passengers have stored above their seats. When he squeezes Bond's bag, he feels a suspicious "brick-like" object, which the agent believes to be a "brick" of methamphetamine.

Court holding: SEARCH.

Justice Rehnquist for the court: "Our Fourth Amendment analysis embraces two questions. First, we ask whether the individual, by his conduct, has exhibited an actual expectation of privacy; that is, whether he has shown that 'he [sought] to preserve [something] as private.' Here, petitioner sought to preserve privacy by using an opaque bag and placing that bag directly above his seat. . . . Second, we inquire whether the individual's expectation of privacy is 'one that society is prepared to recognize as reasonable.' When a bus passenger places a bag in an overhead bin, he expects that other passengers or bus employees may move it for one reason or another. Thus, a bus passenger clearly expects that his bag may be handled. He does not expect that other passengers or bus employees will, as a matter of course, feel the bag in an exploratory manner. But this is exactly what the agent did here.

Justice Breyer dissenting: "How does the 'squeezing' just described differ from the treatment that overhead luggage is likely to receive from strangers in a world of travel that is somewhat less gentle than it used to be? I think not at all. . . . '[A]ny person who has travelled on a common carrier knows that luggage placed in an overhead compartment is always at the mercy of all people who want to rearrange or move previously placed luggage' . . . . The trial court, which heard the evidence, saw nothing unusual, unforeseeable, or special about this agent's squeeze. It found that Agent Cantu simply "felt the outside of Bond's softside green cloth bag," and it viewed the agent's activity as "minimally intrusive touching."

Lesson Sequence 3

Is the Search and Seizure Reasonable?: Reading and discussion about this second, final question in analyzing search-and-seizure cases with a focus on the facts of the Supreme Court case *U.S. v. Ross* (1982). (p. 81)

Can Police Stop People Because They Run Away?: Brief reading and discussion on *Wardlow v. Illinois*, a case in which police stopped a young man in a high crime area who ran from them. (p. 83)

Lesson Sequence 4

Motor Vehicle and Other Exceptions: Reading and discussion about the Supreme Court's decision in *U.S. v. Ross*, which granted an exception to the warrant requirement in motor vehicle searches, and about other recognized exceptions to the warrant requirement, such as incident to lawful arrest, stop and frisk, consent, hot pursuit, emergency situations, airline, border, and custom searches. (p. 84)

Ask an Expert: Class invites a police officer or criminal attorney to briefly discuss search-and- seizure law and to take part in and debrief "Applying the Checklist." (p. 85) O R

Class Activity: Applying the Checklist–Working in pairs, students apply the Search and Seizure Checklist to evaluate the legality of some hypothetical search and seizures. (p. 87)

Answers to Class Activity

Case 1: Hans Metcalf. Issue is whether a briefcase was abandoned property. If it was, then what police did was not a search and therefore no violation. The question is: Do you have a reasonable expectation that no one will search through belongings that you forget? If you do, then this would be a search, and since the police have no probable cause to make a search, it would be a violation.

Case 2: Vivian Madison. A search but no violation because her roommate gave consent to the search and the roommate had a right to be in the garage.

Case 3: Dan Lewis. Clearly made a warrantless search and seizure. Question is do any of the exceptions apply? There seems no probable cause–mere suspicion. Lack of license plates on the car would allow a car stop, but not a search without probable cause. Question whether search of the trailer would be justified in any case since it is not attached to the car. No consent for the search. Person said, "Go away!" Wisp of smoke does not constitute emergency situation especially since the person told him to go away.

Case 4: Betty Kim. Clearly a warrantless search. Do any exceptions apply? No consent, because she told him to get out. Search of her pocket could conceivably be legal under stop and frisk doctrine, but this would be a real stretch. Even if this search and arrest are upheld, the

BEST COPY AVAILABLE

search of the house is not incident to the arrest. The officer should have gone back and gotten a warrant to search the living room.

Lesson Sequence 5

Interrogation and Confessions: Reading and discussion about Fifth Amendment restrictions on police. (p. 88)

Class Activity: Taking the Fifth—In pairs, students argue Fifth Amendment cases before a Supreme Court made up of other students. (p. 92)

Answers to Class Activity

a. *Illinois v. Perkins* (1990). Statements CAN be introduced. In an 8-1 decision, the Supreme Court held that Perkins' Fifth Amendment rights were not violated. Since Perkins believed he was talking with another inmate, there was no coercion or "police-dominated atmosphere."

b. *Arizona v. Mauro* (1987). Statements CAN be introduced. In a 5-4 decision, the Supreme Court held that the police did not send Mrs. Mauro to elicit statements, nor did they subject Mauro to "compelling influences, psychological ploys, or direct questioning. Thus, his volunteered statements cannot properly be considered the result of police interrogation."

c. *Fare v. Michael C.* (1979). Statements CAN be introduced. In a 6-3 decision, the Supreme Court held that a lawyer has a unique ability to protect a suspect's rights. A request for a person other than a lawyer is not the same. The court explained that a lawyer understands the criminal process and has the official status to object to wrongful police actions. He or she is the only one who can be summoned and have the effect of stop ping police interrogation. Otherwise, a suspect like Michael could ask for his coach, his music teacher or his priest, and still not receive the legal protections that made the Miranda rule necessary.

d. *Oregon v. Mathiason* (1977). Statements CAN be introduced. A six-member majority Supreme Court opinion stated: "He came voluntarily to the police station, where he was immediately informed that he was not under arrest. At the close of a one half-hour interview respondent did in fact leave the police station without hindrance. It is clear from these facts that Mathiason was not in custody 'or otherwise deprived of his freedom of action in any significant way.'"

e. *Beckwith v. U.S.* (1976). Statements CAN be introduced. A six-member majority opinion held that Beckwith was not in custody and therefore *Miranda* warnings were not required. Beckwith could have told the agents to leave at any time.

f. *Duckworth v. Eagan* (1989). Statements CAN be introduced. In a 5-4 decision, the Supreme Court ruled that the warning given "touched all the bases required by *Miranda* . . . . The Court in *Miranda* emphasized that it was not suggesting that 'each police station must have a "station house lawyer" present at all times to advise prisoners.' . . . . If the police cannot provide appointed counsel, *Miranda* requires only that the police not question a suspect unless he waives his right to counsel. Here, respondent did just that."

Ask an Expert: Class invites a criminal attorney or a police officer to discuss briefly the *Miranda* decision and to take part in and debrief the activity "Taking the Fifth." (p. 92) O R

Lesson Sequence 6

The Exclusionary Rule: Reading and discussion about the rule, *Mapp v. Ohio*, and other Supreme Court decisions. (p. 94)

Fruit of the Poisonous Tree: Brief reading and discussion about this doctrine and its exceptions. (p. 95)

Class Activity: A Second Look at the Exclusionary Rule—Students evaluate the pros and cons of the exclusionary rule and proposed changes to it. (p. 97)

Chapter 7: The Limits of Police Authority

Lesson Sequence 1

Racial Profiling: Reading and discussion about racial profiling, its constitutionality, and proposals for dealing with it. (p. 98)

Class Activity: What Should Be Done About Profiling?—Students role play advisers to a governor who is considering legislation on racial profiling. (p. 100)

Lesson Sequence 2

Corruption: Reading and discussion about the problem of corruption in our nation's police departments. (p. 100)

Class Activity: Preventing Corruption—Students evaluate different proposals for preventing police corruption. (p. 103)

Lesson Sequence 3

Use of Force: Reading and discussion about the limits on use of force by police. (p. 103)

Class Activity: Split Second—Students simulate police split-second decision-making in two hypotheticals and analyze their decisions. (p. 104)

Lesson Sequence 4

Policing the Police: Reading and discussion about how citizen complaints about police are handled and issues raised when police are subject to prosecution. (p. 106)

Class Activity: A Board of Rights—Students simulate a review board on police misconduct and decide two hypothetical cases. (p. 108)

Ask an Expert: Students find out their local police department's policy on the use of deadly force. (p. 107) O R

You and the Police: Reading and discussion about what to do when stopped by police. (p. 112)

Unit 3: The Criminal Case

Overview: A four-chapter unit covering the criminal court system and every key step in the investigative, pretrial, and trial phases of a criminal case. The unit features an expanded mock trial hypothetical in which students assume the major roles of attorneys, judges, and jurors to apply criteria to make decisions and judgments affecting the case.

Objectives: By the completion of this unit, students will be able to:

1. Identify and describe the function of major roles in the criminal case process including police, prosecuting attorneys, defense attorneys, hearing and trial judges, and jurors.
2. Describe the structure of state and federal courts.
3. Express a reasoned opinion on what are valid reasons for supporting or opposing judges in retention elections.
4. Identify factors used in determining bail and apply them to hypothetical bail situations.
5. Describe the role of prosecutorial discretion and plea bargaining.
6. Identify and describe the concepts of probable cause, burden of proof, and reasonable doubt.
7. Write a reasoned opinion on whether a gag order should be issued in a hypothetical case.
8. Identify key steps in a criminal trial.
9. Identify and apply factors in selecting a hypothetical jury.
10. Compose an opening statement based on given criteria.
11. Distinguish between direct and circumstantial evidence and analyze hypotheticals on this basis.
12. Identify basic rules of evidence and state and support opinions about the admissibility of evidence on this basis.
13. Compose and present closing arguments based on given criteria.
14. State and support an opinion about the verdict in a hypothetical case.

Introduction

TM 3.1

Chapter 8: Courts and the Case Process

Lesson Sequence 1

The Two Systems of Criminal Courts: Reading and discussion about the federal and state court systems. (p. 114)

Judges and Judicial Independence: Reading and discussion about federal and state judges, how they are selected and removed, and the importance of judicial independence. (p. 115)

Class Activity: Retention Election—Students role play voters deciding whether to retain three justices on the state supreme court. (p. 117)

Lesson Sequence 2

Criminal Lawyers: Reading and discussion on the role of prosecutors and defense attorneys.

Ask an Expert: Students invite a representative from a local law school to explain requirements and courses offered.(p. 120) O R

Lesson Sequence 3

The Criminal Case Process: Reading and discussion about adversarial fact-finding. (p. 120)

Class Activity: Just the Facts—Students analyze the facts of a hypothetical criminal case. (p. 122)

Using this Unit: Explanation of the unit's format, including information about the case guide, key steps, case notes, and activities, and their symbols. (p. 122)

Chapter 9: Criminal Case, Investigation, and Arrest

Lesson Sequence 1

Key Step: Arrest: Brief explanation of arrest and its purpose. (p. 124)

Police Crime Investigation Report: Reading and discussion about the police report for the mock case of *People v. Carter*. (p. 124)

Case Notes: State Criminal Code Sections—Description and discussion of mock homicide statutes for the *Carter* case. (p. 126)

Class Activity: Is It Murder?—Students work in pairs to apply the mock homicide statutes to hypothetical situations. (p. 126)

Answers to Class Activity

a. Mr. Jones: Murder in the first degree [274(a)]: The long-term poisoning shows clear evidence of premeditation.

b. David: Murder in the second degree [274(b)]: Malice aforethought is established by the intent to do an act with obvious risk of death or great bodily injury. This has been called an act with "an abandoned and malignant heart."

c. Mary: Voluntary Manslaughter [298(a)]: The killing was intentional but malice aforethought was not present because Mary was provoked and acted in uncontrolled anger.

d. Jim: Involuntary Manslaughter [298(b)(1)]: The killing was unintentional but dangerous and unlawful. The case could be made for second-degree murder by arguing malice aforethought was established by the intent to act with an obvious risk of death or great bodily injury.

BEST COPY AVAILABLE

e. Donna: Involuntary Manslaughter [298(2)(b)(2)]: The killing was unintentional and, though probably not illegal, was done with great negligence.

Case Notes: In the Defense of Thomas Carter: Reading on Carter's defense attorney's interview with her client and her notes on the case. (p. 127)

Chapter 10: Pretrial

Lesson Sequence 1

Key Step: First Appearance Before a Judge: Brief explanation of the first court hearing in a criminal case. (p. 129)

Case Notes: The Question of Bail: Explanation of the bail system. (p. 129)

Class Activity: Bail Hearing—In small groups, students role play the prosecution, defense, and judge in a simulated bail hearing for the *Carter* case. (p. 130)

Lesson Sequence 2

Case Notes: Prosecutorial Review: Explanation and discussion of prosecutorial review, including a mock dialogue among prosecutors discussing what charges to file in the *Carter* case. (p. 131)

Ask an Expert: Class invites a criminal attorney to discuss prosecutorial review and to take part in and debrief the activity "The Prosecutor Decides." (p. 134) *O* *R*

Class Activity: The Prosecutor Decides—In small groups, students go over various homicide charges and decide which charge to bring in the *Carter* case. (p. 134) *AM* 3.2

Answers to Class Activity

First-Degree Murder

- Is there evidence that Thomas Carter formed an intent to kill Oscar Hanks? Yes. He told Robertson, "That man is going to pay in a big way." This could mean he intended to kill him. Plus the other evidence mentioned under premeditation.
- Is there evidence of premeditation? **Yes. Several things: What he said to Robertson, getting gun lessons from Robertson, loading the shotgun, and getting someone to drive the car.**
- Is there evidence which would show that this intent was transferred to the killing of Joyce Ann Miller (using the doctrine of transferred intent)? **Yes. His intent to kill Hanks could be transferred since he killed another person.**

  or

- Is there evidence to show that Thomas Carter formed an intent to kill and premeditated the killing of Joyce Ann Miller? **No. There is no evidence to support this.**

Second-Degree Murder

- Is there evidence that Thomas Carter formed an intent to kill Joyce Ann Miller? **No. He didn't even know her or realize she was there.**

  or

- Is there evidence that Thomas Carter had the intent to do an act where there was an obvious risk that death or great bodily harm would result? **Yes. He got a gun, learned how to use it, and fired it on a public street.**

Voluntary Manslaughter

- Is there evidence that Thomas Carter formed an intent to kill Oscar Hanks? **Yes. Same reasons as above.**
- Is there evidence that Oscar Hanks seriously provoked the actions of Thomas Carter? **Yes. He hit Carter over the head with a bottle.**
- Is there evidence that Thomas Carter did not have sufficient time to calm down after being provoked? **No. Carter had a full day to calm down.**

Involuntary Manslaughter

- Is there evidence that Thomas Carter committed an act in a criminally negligent manner? **Yes. Carter pointed a loaded shotgun out a car window.**

Decision

Considering all relevant factors, what crime would you charge Thomas Carter with? **Answers will vary.**

Lesson Sequence 3

Plea Bargaining: Reading and discussion on the plea-bargaining process, its pros and cons, and court decisions related to it. (p. 135)

Class Activity: Plea Bargain—Students role play prosecutors and defense attorneys negotiating a plea agreement in the *Carter* case. (p. 137)

Lesson Sequence 4

Key Step: Probable Cause Hearing: Explanation of preliminary hearings and grand jury hearings. (p. 137)

Case Notes: Cater's Probable Cause Hearing: Reading of outcome of the grand-jury hearing for the *Carter* case. (p. 138)

Key Step: Arraignment: Explanation of an arraignment. (p. 138)

Case Notes: An Issue at the Arraignment: Description of Carter's plea of not guilty and his lawyer's motion for gag order at the arraignment. (p. 139)

Class Activity: Ruling on the Motion: Students take the role of judges and write decisions on the gag-order motion. (p. 140)

Chapter 11: Trial

Lesson Sequence 1

Key Step: Trial Procedures: Explanation of procedural steps in a criminal trial, including jury selection, opening statements, presentation of evidence, closing arguments, jury instructions, and jury deliberations. (p. 141)

Case Notes: Cast of Characters: Description of and discussion about the important players in a criminal trial, including the judge, bailiff, court clerk, court reporter, prosecution lawyers, defense lawyers, defendant, witnesses, and jury. (p. 142)

Activity: In the Halls of Justice—Students take a field trip to a criminal court with worksheet questions and suggestions for interviews. (p. 143) O AM 3.3

The Courtroom Setting: Brief description and discussion of courtroom design. (p. 142)

Lesson Sequence 2

Case Notes: The Trial of Thomas Carter: Reading and discussion about the beginning of the trial of Thomas Carter. (p. 144)

Key Step: Jury Selection: Explanation and discussion of the jury selection process, including voir dire, challenges for cause, and peremptory challenges. (p. 145)

Class Activity: Choosing a Jury—Students take roles of prosecuting attorneys, defense attorneys, prospective jurors, and court clerk in a jury selection simulation. (p. 147) AM 3.4

Lesson Sequence 3

Case Notes: Trial Strategy: Reading on how to prove or disprove elements of a criminal case. (p. 149)

Class Activity: Preparing for Trial—Students complete charts that will help them prepare trial strategy. (p. 150)

Lesson Sequence 4

Case Notes: Opening Statements: Explanation of opening statements and instructions on their preparation. (p. 151)

Class Activity: Writing an Opening Statement—Based on given criteria, students write opening statements for the defense and prosecution in the *Carter* case. (p. 151)

Lesson Sequence 5

Case Notes: Direct and Circumstantial Evidence: Explanation of direct and circumstantial evidence. (p. 152)

Class Activity: Direct or Circumstantial—Students analyze hypotheticals to determine whether they are examples of direct or circumstantial evidence. (p. 152)

Answers to Class Activity

a Direct
b. Circumstantial
c. Circumstantial
d. Direct
e. Circumstantial

Lesson Sequence 6

Case Notes: Rules of Evidence: Explanatory reading and discussion of some basic rules of evidence, including relevance, foundation, personal knowledge, hearsay, opinion testimony, argumentative questions, and special rules for direct and cross-examination. (p. 153)

Class Activity: Objection—Students, given hypothetical situations from the *Carter* trial, decide whether an attorney should object and explain why. (p. 157)

Answers to Class Activity

a. Yes. Opinion and lack of personal knowledge.
b. Yes. Hearsay.
c. Yes. Irrelevant.
d. Yes. Opinion and lack of personal knowledge.
e. No. It is proper to ask a leading question on cross-examination.
f. Yes. Opinion and lack of personal knowledge.
g. Yes. The witness has a lack of personal knowledge as to whether the truck was there or not.
h. Yes. Irrelevant.
i. No. Although it is hearsay, the statement is probably admissible as an admission against interest.
j. No. Opinions about speed of a car are within the realm of an ordinary person's experience.
k. Yes. Leading question.
l. Yes. Opinion, but because of Joel Robertson's knowledge about guns, he may be qualified as an expert.

Class Activity: Cross Fire—In this simulation of the *Carter* case, students role playing prosecutors and defense attorneys examine witnesses role played by students. (p. 158)

Class Activity: The Defense Rests—Students role play attorneys and make closing statements to the rest of the class role playing jurors. (p. 162) AM 3.5

Lesson Sequence 7

Case Notes: Instructing the Jury: Reading and discussion on the purpose and nature of jury instructions and on those given in the *Carter* case. (p. 163)

Class Activity: We, the Jury—Students form juries and deliberate on the *Carter* case. (p. 166)

Class Activity: Verdict—Students write an essay explaining their personal verdict in the *Carter* case. (p. 166)

BEST COPY AVAILABLE

Unit 4: Corrections

Overview: A five-chapter unit focusing on the purposes of corrections; current debates about corrections, such as whether too many people are behind bars and whether mandatory-minimum sentences are fair; alternatives to prisons, including probation, community service, and community corrections; current conditions of prisons; and the law and debate over the death penalty.

Objectives: By the completion of this unit, students will be able to:

1. Identify retribution, incapacitation, deterrence, restitution, and rehabilitation as the underlying rationale for criminal corrections.
2. Identify factors used for determining a sentence and apply them to a hypothetical case.
3. Demonstrate a historical awareness of corrections by comparing methods of corrections from previous eras with those of today.
4. Explain three-strikes legislation and give a reasoned opinion on its value.
5. Express a reasoned opinion on whether federal drug laws discriminate against African Americans.
6. Identify factors for granting probation and apply them to hypothetical cases.
7. Describe alternatives to prison and state and support opinions about their value.
8. Identify factors used in granting parole and apply them to hypothetical situations.
9. Describe community corrections efforts and identify challenges facing them.
10. Describe current conditions in prisons and state and support opinions about current sentencing standards.
11. Identify aggravating and mitigating factors in applying a death penalty statute and apply them to a hypothetical situation.
12. State and support a reasoned opinion about the death penalty.

Introduction

AM 4.1

Chapter 12: Corrections and Society

Lesson Sequence 1

The Purpose of Punishment: Reading and discussion of five rationales for punishment. (p. 168)

Class Activity: The Student Court—Students role play members of a student court deciding appropriate punishments for hypothetical cases. (p. 169)

Lesson Sequence 2

A Brief History of Punishment in the United States: Reading and discussion about the development of the U.S. corrections system. (p. 170)

Class Activity: Pros and Cons of Punishment—In small groups, students discuss the strengths and weaknesses of different kinds of punishment. (p. 172)

Lesson Sequence 3

Sentencing: Reading and discussion about fixed and indeterminate sentencing, mandatory sentencing, sentencing guidelines, and other factors judges consider at sentencing. (p. 172)

Class Activity: The Sentencing of Thomas Carter—In small groups, students act as judges and sentence Thomas Carter. (p. 175)

Ask an Expert: Students invite a judge or criminal attorney to take part in and debrief this activity. (p. 177)

O R

Chapter 13: Current Debates

Lesson Sequence 1

Are There Too Many People Behind Bars?: Reading and discussion about the policies, such as three-strikes, truth-in-sentencing, and mandatory sentencing laws, that have resulted in massive incarceration in the United States. (p. 179)

Class Activity: Three Strikes—Students role play legislative advisers making recommendations on proposed three-strikes legislation. (p. 182)

Activity: Prison Sentences—Students write brief essays on whether America needs to incarcerate more people. (p. 182) O

Lesson Sequence 2

Do Some Mandatory-Minimum Sentences Violate the Eighth Amendment? Reading and discussion on whether repeat-offender laws mandating long sentences violate the Eighth Amendment when the offender has committed a relatively minor crime. (p. 183)

Class Activity: Cruel and Unusual?—Students role play attorneys and justices deciding the constitutionality of a sentence under a three-strikes law. (p. 184)

Lesson Sequence 3

Are Federal Drug-Sentencing Laws Unfair to Blacks?: Reading and discussion on federal laws that impose far harsher penalties on crack than on powder cocaine, the pros and cons of these laws, and court challenges to them. (p. 184)

Class Activity: The Ratio—Students role play a congressional committee deciding whether to change the difference in penalties between crack and powder cocaine. (p. 187)

27

Chapter 14: Alternatives to Prison

Lesson Sequence 1

The Need for Alternatives: Brief explanatory reading about the need for alternatives to prison. (p. 188)

Fines: Reading and discussion about fines. (p. 188)

Class Activity: One Fine Day—Students role play advisers to a governor who is considering introducing day-fine legislation. (p. 189)

Lesson Sequence 2

Probation: Reading and discussion about probation. (p. 189)

Class Activity: Who Gets Probation?—In small groups, students decide whether particular hypothetical offenders should be placed on probation. (p. 191)

Ask an Expert: Students interview a probation officer. (p. 191) *O* *R*

Lesson Sequence 3

Revoking Probation: Reading about what happens when probationers violate the conditions of their probation. (p. 192)

Class Activity: Probation Revocation Hearing—Students role play a probation revocation hearing. (p. 193)

Lesson Sequence 4

Community Service: Reading and discussion about community service as an alternative punishment. (p. 196)

Community Corrections: Reading and discussion about community corrections as an alternative to prison. (p. 197)

Class Activity: Halfway House—Students role play a city-council hearing determining whether to grant a zoning variance allowing a halfway house to be placed in a residential neighborhood. (p. 200)

Ask an Expert: Class invites an ex-convict to speak. (p. 200) *O* *R*

Chapter 15: Prisons Today

Lesson Sequence 1

Prison in America: Reading and discussion about prison conditions, security levels, population, legal responses to poor conditions, and private prisons. (p. 201)

Class Activity: Should Prison Be Even Tougher?—Students role play advisers to the governor making recommendations on a proposal to toughen prison conditions. (p. 205)

Lesson Sequence 2

Prison Revolts: Reading and discussion about riots at Attica and New Mexico State Prison and the development of gangs in prison. (p. 207)

Class Activity: Prison in the Classroom—Students mark off an area in the classroom to simulate prison conditions. (p. 207)

Lesson Sequence 3

Parole: Reading and discussion about the parole system, including case studies of Sirhan Sirhan and Lawrence Singleton. (p. 208)

Class Activity: Parole Board—Students role a parole board deciding whether to grant parole in four separate cases. (p. 210)

Lesson Sequence 4

Staying Out of Prison: Reading about the experiences of an ex-offender. (p. 211)

Class Activity: Staying Out—Students write a creative journal of their experiences in the first few weeks on parole. (p. 211)

Chapter 16: Capital Punishment

Lesson Sequence 1

History of the Death Penalty in America: Reading and discussion that gives an overview, the general history, and recent legal history of capital punishment. (p. 212)

Class Activity: Life or Death—Students role play jurors and apply a capital punishment statute to hypothetical cases. (p. 216)

Lesson Sequence 2

Public Opinion on the Death Penalty: Reading and discussion comparing two opinion polls on the death penalty, which get different results by asking different questions. (p. 218)

Activity: Death Penalty Poll—Students conduct a poll on the death penalty. (p. 218) *O*

Lesson Sequence 3

Recent Developments in Capital Punishment: Reading and discussion of the Karla Faye Tucker case and the implications of the release of many prisoners due to DNA tests showing them to be innocent. (p. 218)

Class Activity: Taking a Stand on Capital Punishment—Students line up based on their attitudes about the death penalty, form groups, and debate specific arguments, pro and con. (p. 221)

Unit 5: Juvenile Justice

Overview: A four-chapter unit highlighting the history of juvenile justice, the laws pertaining to delinquency, the processes of adjudication, constitutional rights of juveniles, and correctional options for juvenile offenders.

Objectives: By the completion of this unit, students will be able to:

1. Demonstrate a historical awareness of developments in juvenile justice by comparing the treatment of juveniles in the past with methods used today.
2. Distinguish between procedures that apply to juveniles and those that apply to adult criminal defendants.

3. Identify status, non-status, and non-delinquent behaviors and distinguish among them given hypothetical situations.
4. Identify screening criteria used at juvenile intake and apply them to given situations.
5. Identify constitutional due process rights guaranteed to juveniles.
6. Identify criteria used to determine fitness to be adjudicated as a juvenile and apply that criteria to hypothetical situations.
7. Explain different options in the juvenile corrections system and decide which options should be used in hypothetical cases.
8. State and support a reasoned opinion about the constitutionality of the death penalty for juveniles.

Introduction

AM 5.1

Chapter 17: From Criminal to Delinquent

Lesson Sequence 1

History: Children and the Law: Reading and discussion about how the law historically treated children in England and America, including early reform movements to treat children differently from adults. (p. 224)

From the Criminal to Delinquent: A Time for Reform: Reading and discussion about how the concept of delinquency arose. (p. 227)

Class Activity: Same or Different?—In small groups, students evaluate situations to determine whether the adult and juvenile in each case should be treated the same or differently. (p. 229)

Different Worlds: Chart and discussion about the differences between the juvenile and adult justice systems. (p. 230)

Chapter 18: The Problem of Delinquency

Lesson Sequence 1

What Is Delinquency?: Reading and discussion about delinquency and status offenses. (p. 231)

Class Activity: Are You Now or Have You Ever Been?—Students evaluate a list of behaviors to determine which are crimes, which of the others are harmful to young people, and which should not be classified as delinquent. (p. 232)

Lesson Sequence 2

A Tour of the System: Explanatory reading and discussion featuring a flow chart on juveniles processed through the system. (p. 232)

Class Activity: Who Should be in the System?—In pairs, students determine which, if any, government agency should be responsible for juveniles in hypothetical situations. (p. 234) AM 5.2

Lesson Sequence 3

Initial Detention of Juveniles: Reading describing prehearing detention problems and a proposed solution. (p. 234)

Class Activity: Detain or Release—Students role play intake officers at a juvenile facility and, using screening criteria and their judgment, determine whether to keep particular juveniles in custody or release them. (p. 236) AM 5.3

Chapter 19: Children and the Constitution

Lesson Sequence 1

The Rights of Juveniles: Reading and discussion about the Supreme Court's *Gault* decision, which guaranteed certain rights to juveniles in juvenile court. (p. 239)

Class Activity: The Court Decides—Students decide four cases involving issues left unanswered by *Gault*. (p. 241)

Answers to Class Activity

1. ***In the Matter of Samuel Winship* (1970).** A five-member majority ruled in Winship's favor. A sixth justice concurred with the judgment, since requiring reasonable doubt standards would not jeopardize the aims of juvenile justice, but felt there was not necessarily any relationship between the due process requirement of criminal and juvenile proceedings. The remaining three justices dissented because the Constitution doesn't specify the reasonable doubt standard; juvenile justice systems need flexibility; and barring a direct violation of due process, the issue should be left to individual state legislatures.
2. ***In Re Barbara Burrus* (1971).** By a vote of 5–4, the court declared that as long as juvenile proceedings were fundamentally fair, neither trials by jury nor public trials in juvenile proceedings were necessary. One dissenting justice felt that though jury trials weren't mandated, public proceedings were needed in order to protect the juvenile from misuse of judicial power. The remaining three justices thought the Constitution protected juveniles' right to trial by jury when charged with offenses which would be triable by jury if the offender was an adult.
3. ***McKeiver v. Pennsylvania* (1971).** A six-member majority agreed that the due process clause of the 14th Amendment did not require juvenile jury trials. (The justice who had dissented in *Burrus* because North Carolina didn't allow a public hearing reversed himself in this case, since Pennsylvania's laws did let detained juveniles request public hearings.) The other justices who dissented in *Burrus* again dissented using the same reasoning as before.
4. ***Breed v. Jones* (1975).** A unanimous Supreme Court ruled that the double jeopardy clause of the Fifth Amendment prohibited prosecution in adult court after an adjudicatory hearing in juvenile court. The decision to prosecute juveniles as adults must be made before they are tried in juvenile court.

Lesson Sequence 2

School Searches: Reading and discussion about the Supreme Court decision in *New Jersey v. T.L.O.* (p. 246)

Chapter 20: Juvenile Corrections

Lesson Sequence 1

Options for Placing Juvenile Offenders: Reading and discussion about juvenile corrections and placement options, including a comparison of the different systems in California and Massachusetts. (p. 247)

Problems with Locking Up Juveniles: Reading and discussion about efforts to remove juveniles from contact with adult prisoners. (p. 250)

At Home Plus: Reading and discussion about three programs for juvenile offenders living at home. (p. 251)

Class Activity: Individual Treatment Plan—Students decide on treatment plans for six hypothetical cases. (p. 252)

Lesson Sequence 2

The Question of Waiver: Reading and discussion about the process of referring juvenile offenders to adult court. (p. 252)

Class Activity: A Waiver Hearing—Students individually apply waiver guidelines to six case studies, write reasons for their decisions, and then discuss cases in groups of three and vote. (p. 255)

Lesson Sequence 3

Wayne Thompson and the Death Penalty: Reading and discussion about the case of Wayne Thompson, who appealed his death sentence to the Supreme Court because he was 15 at the time of his crime. (p. 255)

***Thompson v. Oklahoma* (1988):** Reading and discussion about the decision and subsequent Supreme Court decisions on the constitutionality of executing juveniles. (p. 256)

Class Activity: Should Juveniles Convicted of Murder Be Executed?—Students line up according to their feelings on this issue and discuss their reasoning. (p. 257)

Lesson Sequence 4

International Challenges to the Death Penalty: Reading and discussion of international treaties condemning the use of the death penalty for juveniles. (p. 258)

Class Activity: Senate Hearing—Students role play a Senate hearing on the ratification of a treaty banning capital punishment for juveniles. (p. 259)

Lesson Sequence 5

Current Trends and Controversies: Reading and discussion about issues surrounding the increasing incarceration of juveniles, over-representation of minorities in the system, and how to deal with status offenders. (p. 260)

Class Activity: What Should Be Done?—Students write essays on whether the juvenile justice system should try to rehabilitate or punish serious offenders. (p. 262)

Unit 6: Solutions

Overview: A three-chapter unit focusing on the ongoing debate over the causes of crime; the role of state and federal government in addressing America's crime problems with public policy initiatives; and the role of the citizen in helping solve problems associated with crime and criminal justice at the local level.

Objectives: By the completion of this unit, students will be able to:

1. Identify and evaluate social and individual factors proposed as causing crime.
2. Describe the role of the federal, state, and local government in addressing crime problems.
3. Express a reasoned opinion on whether civil asset forfeiture should be eliminated.
4. Express a reasoned opinion on whether strict national gun control laws should be enacted.
5. Evaluate public policy proposals to assure fairness in the criminal justice system using given criteria.
6. Demonstrate a historical awareness of constructive and destructive attempts to attack crime problems.
7. Identify opportunities for citizens to become involved in reducing crime.
8. Evaluate public policy proposals for the allocation of resources in addressing crime problems using given criteria.
9. Generate and evaluate recommendations for reducing a community's crime problem.

Introduction

AM 6.1

Chapter 21: The Causes of Crime

Lesson Sequence 1

Theories and Approaches: Brief introductory reading on the causes of crime. (p. 264)

Social and Cultural Factors: Reading and discussion about some social and cultural factors causing crime, such as poverty, unemployment, racial discrimination, child abuse and neglect, values that make crime more acceptable, and violence in the media. (p. 264)

Lesson Sequence 2

Individual and Situational Factors: Reading and discussion about individual and situational factors causing crime, such as biology, drugs and alcohol, guns, and rational choice. (p. 276)

Class Activity: The Causes of Crime—Students meet in groups of four, select one of the causes of crime, brainstorm solutions, choose their best solution, and present it to the class. (p. 270)

BEST COPY AVAILABLE

Chapter 22: Crime and the Government

Lesson Sequence 1

The Role of Government: Brief overview of the chapter. (p. 271)

Crime and the Federal Government: Reading and discussion about the roles of the executive, legislative, and judicial branches of federal government in crime control. (p. 271)

Lesson Sequence 2

Federal Policy: Civil Forfeiture: Reading and discussion on the nature and impact of federal forfeiture statutes. (p. 273)

Class Activity: A Model Forfeiture Statute—Students role play a congressional committee making recommendations for a new civil forfeiture statute. (p. 276)

Lesson Sequence 3

Federal Policy: Gun Control: Reading and discussion on federal gun-control policies and proposals, their pros and cons, and the Second Amendment. (p. 277)

Class Activity: Gun-Control Policies—Students debate the merits of different gun-control policies.(p. 279)

Lesson Sequence 4

An Attack on Crime: The State Level: Reading and discussion about the different branches of state government and their role in fighting crime. (p. 280)

Class Activity: A State Senate Committee— Students role play a state senate committee debating a proposed crime bill. (p. 280)

The New Role of State Supreme Courts: Reading and discussion about criminal defendants basing their appeals on state constitutions instead of the U.S. Constitution. (p. 285)

Lesson Sequence 5

The Color of Justice: Reading and discussion about whether the criminal justice system discriminates against minorities. (p. 285)

Class Activity: Toward a Colorblind Justice System—Students evaluate proposals to prevent discrimination in plea bargaining, jury verdicts, sentencing, and the death penalty. (p. 289)

Chapter 23: Crime and the Citizen

Lesson Sequence 1

Getting Involved in Fighting Crime: Brief introduction on what citizens can do about crime at the local level. (p. 291)

Vigilantes in American History: Reading and discussion about vigilantism in American history. (p. 291)

Lesson Sequence 2

Crime in Schools: Reading and discussion about the problem of violence in U.S. schools. (p. 295)

Class Activity: Trouble at Coolidge High—Students take part in a simulation of a school dealing with its crime problem. (p. 297)

Activity: What Are Communities Doing About Crime in Schools?—Students research about school crime statistics and programs to reduce crime in schools. (p. 298)) O

Lesson Sequence 3

Burglary Prevention: Reading and discussion on preventing burglary with neighborhood watch programs. (p. 299)

Ask an Expert: Class invites an officer from a burglary-prevention unit to discuss the burglary problem in the community and practical steps for burglary prevention. (p. 299) O R

Activity: A Home Security Check—Students apply a checklist to determine how secure their own homes are against the threat of burglary. (p. 301) O

Activity: Organizing a Neighborhood Meeting—Students organize a burglary-awareness meeting for their own neighborhoods. (p. 301) O

Lesson Sequence 4

Class Activity: A Citizen Task Force— Students role play interest groups and a mayoral committee making a decision about how to spend federal money on crime programs. (p. 303) AM **6.1** and **6.2**

Lesson Sequence 5

Conclusion on Crime: Reading and discussion about different proposed solutions to reduce the problem of crime. (p. 308)

Class Activity: What Should Be Done?—Students write recommendations on what to do about the problem of crime. (p. 310)

Section 4. Activity Masters

List of Activity Masters

0.1 Newsbreak
0.2 Research Activities
0.3 Opinion Surveying
0.4 Briefing a Case
0.5 Analyzing an Editorial Cartoon
1.1 Legal-Ease
1.2 Crime Victims Board
1.3 Crime Victim Survey
2.1 Legal-Ease
2.2 Sampling Class Opinion
3.1 Legal-Ease
3.2 The Prosecutor Decides
3.3 In the Halls of Justice
3.4 Choosing a Jury
3.5 The Defense Rests. . .
4.1 Legal-Ease
5.1 Legal-Ease
5.2 Who Should Be in the System?
5.3 Detain or Release
6.1 Legal-Ease
6.2 Fighting Crime in the City of Athena, part one
6.3 Fighting Crime in the City of Athena, part two

Name_____

Date _____

Newsbreak

Criminal justice constantly makes the news. Newspapers print many items about crime, policing, trials, court decisions, sentencing, or juvenile delinquency. To keep current with *Criminal Justice in America*, you need to read the newspaper, news magazines, or Internet news sources.

In this activity, you will clip out articles, editorials, and editorial cartoons about criminal justice. Below is a list of the book's units. Under each unit is a list of suggested articles to find.

Unit 1: Crime. Find articles on:

- Proposals and programs to help crime victims.
- Gangs, crime in schools, and youth violence in general.
- Different kinds of crime–property crime, violent crime, and other types.
- Various defenses to crime, particularly insanity, self-defense, and entrapment.

Unit 2: The Police. Find articles on:

- What police do and the problems they face.
- Community policing.
- Advanced technology in investigating crime (e.g., DNA profiles)
- Rules that police must follow in conducting searches, seizing evidence, making arrests, and questioning suspects.
- Cases of police brutality, corruption, or other misconduct and how to police this misconduct.

Unit 3: The Criminal Case. Find articles on:

- All stages of a criminal case: arrest, first appearance before a judge, bail, preliminary hearing or indictment, arraignment, pretrial motions, trial, sentencing, post-trial motions, and sentencing.
- Prosecutorial discretion in determining charges in particular cases.
- Plea bargaining.
- Various pretrial motions (e.g., to suppress evidence, change venue, and issue gag orders).
- Procedural steps in a criminal trial, including jury selection, opening statements, presentation of evidence, closing arguments, jury instructions, and jury deliberations.

Unit 4: Corrections. Find articles on:

- The purpose of punishing criminals.
- Three-strike, truth-in-sentencing, and mandatory-sentencing laws.
- The number of persons in prison.
- Fixed and indeterminate sentencing and sentencing guidelines.
- Alternatives to prison such as probation, house arrest, community service, halfway houses, and others.
- Prison conditions, private prisons, and prison revolts.
- Parole.
- Death penalty.

Name_____

Date _____

Unit 5: Juvenile Justice. Find articles on:

- Differences between the juvenile and adult justice systems.
- Legal rights of juveniles.
- Where juvenile offenders should be placed.
- Referring juvenile offenders to adult court.
- Juveniles and the death penalty.

Unit 6: Solutions. Find articles on:

- Racism in the justice system.
- The causes of crime.
- Proposals for government action against crime.
- Action citizens are taking or can take against crime.

Follow-up:

Unlike other activities, this activity can continue while you study the entire book. It will not be finished until you complete the text.

Be creative. You can create a scrapbook using the unit headings as organizers. Or, work with other students to create an ongoing class bulletin board or collage.

Name_____

Date _____

Research Activities

For extra credit, you may present a report on one of the subjects listed below. These subjects all supplement material in the book. Use the Internet and encyclopedias, biographies, history books, and periodicals in the library to help you research your report.

Unit 1: Criminals and Victims

Crime victims: Judge Crater, Elizabeth Short, Kitty Genovese, Patty Hearst, the Lindbergh baby, Robert F. Kennedy, George Wallace, Jimmy Hoffa.

Criminals: Jesse and Frank James, William H. Bonney, Butch Cassidy, William Quantrill, Joaquin Murietta, John Wilkes Booth, Bonnie Parker and Clyde Barrow, Al Capone, "Ma" Barker, Bruno Richard Hauptmann, John Dillinger, Willie Sutton, Charles Manson, Clarence Chance and Benny Powell, John Gotti, "Bugsy" Siegel, Clifford Irving, Jim Bakker, G. Gordon Liddy, Ivan Boesky.

Unit 2: Law Enforcers and Law-Enforcement Agencies

Law enforcers: Robert Peel, Wyatt Earp, James Butler "Wild Bill" Hickok, William Barclay "Bat" Masterson, Elfego Baca, Patrick Floyd "Pat" Garrett, J. Allan Pinkerton, William J. Burns, J. Edgar Hoover, Eliot Ness, William Parker, "Popeye" Doyle, Frank Serpico, William Bratton, Bernard Parks, Joe Arpaio, August Vollmer.

Law-enforcement agencies: Federal Bureau of Investigation; Secret Service; Drug Enforcement Administration; Bureau of Alcohol, Tobacco, and Firearms; Internal Revenue Service; Immigration and Naturalization Service; Texas Rangers; New York Police Department; Los Angeles Police Department; your local police department.

Unit 3: Trials, Lawyers, and Judges

Trials: Salem witch trials (1692), John Peter Zenger (1735), Aaron Burr (1807), Lambdin P. Milligan (1864), Lizzie Borden (1892), Bill Haywood (1907), Sheriff Joseph F. Shipp (1907), James and John McNamara (1910), Sacco and Vanzetti (1921), Leopold and Loeb (1924), Scottsboro Boys (1931), Massie trials (1931 and 1932), "Lucky" Luciano (1936), Alger Hiss (1950), Julius and Ethel Rosenberg (1951), Samuel Sheppard trials (1954 and 1966), Chicago Seven (1969), Claus von Bulow (1982 and 1985), Joe Hunt (Billionaire Boys Club, 1987), McMartin Preschool case (1990), Rodney King beating trials (1992 and 1993), O.J. Simpson (1994–1995), Menendez brothers (1994 and 1996).

Lawyers: Clarence Darrow, Thomas Dewey, Edward Bennett Williams, Jerry Geisler, William Kunsler, F. Lee Bailey, Alan Dershowitz, Johnnie Cochran.

Judges and Justices: Roy Bean, John Sirica, Benjamin Cardozo, Learned Hand, Earl Warren, William Brennan, William Rehnquist, Antonin Scalia.

Unit 4: Prisons, Prisoners, and Punishment

Prisons: Alcatraz, San Quentin, Leavenworth, Sing Sing, Joliet, Pelican Bay.

Prisoners: Birdman of Alcatraz, Caryl Chessman, Robert E. Burns, Willie Horton, Jean Harris, Gary Gilmore, Robert Alton Harris, Randall Adams, Jack Abbott, Geronimo Pratt, Winnie Ruth Judd.

Punishments: Penal colony, ducking stool, pillory and stocks, whipping, public shaming, firing squad, hanging, electrocution, lethal injection, gas chamber.

Name_____

Date _____

Opinion Surveying

Tips on Selecting the Sample:

To get an accurate opinion poll, you need to consider what population the survey represents. Is it the school? The community? Then you need to select a sample that represents that population. Most professional pollsters try to get a random sample of the population they are surveying. In a random sample, everyone in the population has an equal chance of being included in the survey. Consider these ideas for getting a random sample:

If your survey is of . . .	Try surveying . . .
Students at your school	Every 4th student in the lunch line
School Staff	Every 3rd person on the staff list
Community members	Every 100th person in the telephone book

If you are surveying the community, consider including demographic information at the top of each questionnaire (which you can fill out). The following is an example:

Identify respondent:	Age Range:	Gender:
___School Personnel	___15-20	___Male
___Student	___21-35	___Female
___Community member	___36-50	
___Other _____	___over 50	

Tips for Conducting the Survey:

Practice an introduction. When approaching a stranger, you should . . .

- introduce yourself.
- tell what school or group you are from.
- explain why you are giving a survey.
- ask whether the person would mind spending a few minutes to help you complete your project.

Don't persuade anyone to take the survey. If the person is reluctant, don't persist–the responses of a reluctant individual are normally not usable.

Inform people that their responses will be reported anonymously.

Be as organized as possible. Use a clipboard to hold the surveys and bring extra pens or pencils. If the interviewee fills out the survey, be sure to check that all the information is complete. If the demographic information needs to be completed, complete it yourself right then by asking the appropriate questions.

Be polite. Ask for clarification if the response is not clear, for example: "Would you please repeat that?" or "Please explain." If the respondent marks the survey, wait for it. If you read it to the respondent and fill it in, write exactly what the person says. Chances are, if you leave the survey to be filled in later, you will never see the form again. Thank the respondents when they finish. If they ask you who else you are asking as part of the survey, or "How did you pick me?" explain the categories briefly and the random selection process.

Name_____

Date _____

Work as a team. Accompany each other in conducting a survey for support, encouragement, and safety.

Tips on Tabulating the Results of Your Survey:

- Write down how your sample was chosen. People will want to know this.
- Count the number of completed surveys.
- Tabulate the survey results on one of your blank survey forms.
- Write down your *most significant findings.*
- *Optional:* Report any unusual comparisons of demographic characteristics (age, gender, etc.).
- Plan how you will present your data. You can present it as:

  raw numbers: "Of the 450 people polled, 368 had been victims of property crimes."
  percentages: "More than 81 percent had been victims of property crimes."
  pie charts or **bar graphs**

Name_____

Date _____

Briefing a Case

Title of Case _____

Name of Court _____ **Date Decided** _____ **Vote** _____

Facts: (Briefly summarize the most important facts of the case.)

_____

_____

Most Important Issue: (Some cases have several issues. Choose what you believe to be the most important issue decided by the case. The issue should be stated in the form of a question that can be answered with a yes or no.)

_____

_____

Holding: (Tell how the court ruled on the issue.)

_____

_____

Reasoning: (Explain the reasons for the court's decision.)

_____

_____

_____

_____

Dissent (Explain how the dissenters would have decided the case and give their reasoning.)

_____

_____

_____

_____

Do you agree with the opinion of the court? (Explain your answer and give your reasons.)

_____

_____

Name_____

Date _____

Analyzing an Editorial Cartoon

Name of cartoonist:_____ **Source of cartoon:**_____

1. List any famous people, places, or things represented in the cartoon.

2. List any symbols in the cartoon and tell what they represent.

3. What issue does the cartoon deal with?

4. What is the cartoonist's opinion on this issue?

5. Does the cartoonist use hyperbole, metaphors, satire, or irony in the cartoon. If so, explain their use.

6. Do you agree with the cartoonist's opinion? Explain.

Name_____

Date _____

Legal-Ease for Unit 1

The law has a special language of its own. Below are definitions of some legal terms you will find in this unit. Study them and watch for them in your reading. If you come across other terms you need help with, look them up in the glossary at the back of the book.

---

acquit. In a criminal case, to find a defendant not guilty.

affirmative defense. A defense such as insanity, self-defense, and entrapment. If proved by the defendant, it makes the defendant not guilty of the crime even if the prosecution can prove the elements of the crime.

arson. The crime of willfully or maliciously burning another person's property.

assault. Technically, the immediate threat of attacking someone, but usually it means a physical attack on another person.

assault with a deadly weapon. Attacking someone with a weapon that could cause fatal injuries.

battery. The illegal touching of another person, usually an attack. When used in the phrase "assault and battery," the assault is the threat of the attack and the battery the physical attack itself.

bunco. A con game; a swindle

burglary. The crime of unlawfully entering a building with the intent to commit a crime, such as theft.

civil case. A lawsuit between individuals or organizations, which normally seeks monetary compensation for damages.

common law. 1. the unwritten law in England that evolved over centuries and is the basis for U.S. law. 2. Case law in the United States as opposed to statutory law.

crime. An illegal act punishable upon conviction in a court.

criminal lawyer. A prosecutor or defense attorney.

felony. Serious crime usually punished by one or more years of imprisonment in a state or federal penitentiary.

felony murder. Any killing done while a criminal is committing a felony.

fraud. The crime of obtaining another's property through lies and deceit.

larceny. The unlawful taking of another's property with the intention of permanently depriving the owner of its possession and use; theft.

lynching. A form of mob violence that punishes an accused person without a legal trial. The word comes from the American Revolution and a Colonel Charles Lynch of Virginia, who urged crowds to beat and frighten Tories (supporters of Britain).

mens rea. Guilty mind; the state of mind requirement for a crime.

misdemeanor. Crime less serious than a felony, usually punished by a fine or imprisonment up to one year in a local jail.

Model Penal Code. A criminal code composed by legal experts at the American Law Institute as a standard that legislatures may want to adopt. Unless sections of it are adopted by jurisdictions, it has no legal authority.

perjury. The crime of lying while testifying under oath.

restitution. Direct payments made from criminal to victim as compensation for a crime.

robbery. The taking of a person's property by violence or threat of violence; forcible stealing.

Name_____

Date _____

Crime Victims Board

Case Number:	Case Number:
Approve	Approve
Deny	Deny
Reasons:	Reasons:
Amount:	Amount:
Medical:	Medical:
Vocational Rehabilitation:	Vocational Rehabilitation:
Funeral or Burial:	Funeral or Burial:
Earnings:	Earnings:
Support:	Support:
Cash or essential personal property:	Cash or essential personal property:
Case Number:	Case Number:
Approve	Approve
Deny	Deny
Reasons:	Reasons:
Amount:	Amount:
Medical:	Medical:
Vocational Rehabilitation:	Vocational Rehabilitation:
Funeral or Burial:	Funeral or Burial:
Earnings:	Earnings:
Support:	Support:
Cash or essential personal property:	Cash or essential personal property:

Name_____

Date _____

Crime Victim Survey

Questions	Explanations
1. Have you ever been a victim of a crime such as bike theft, burglary, assault, etc.? YES NO	
2. Have any members of your family been victims of crime? YES NO	
3. Have any nearby neighbors ever been victims of crime? YES NO	
4. Do you feel unsafe alone at night in your own neighborhood? YES NO	
5. Do you believe a crime problem exists at the local schools? YES NO	
6. Has crime forced the people in your family to change any part of their lives? YES NO	
7. Do you think the police in your community are doing an adequate job of protecting you and other citizens from crime? YES NO	
8. Compared to one year ago, do you think the crime problem in your community has gotten worse? YES NO	

Name_____

Date _____

Legal-Ease for Unit 2

The law has a special language of its own. Below are definitions of some legal terms you will find in this unit . Study them and watch for them in your reading. If you come across other terms you need help with, look them up in the glossary at the back of the book.

---

appellate court. A court that hears appeals. An appeals court, not a trial court.

arrest. Taking a person into custody for the purpose of charging the person with a crime.

citizen, or **civilian, review board.** An official group, staffed by ordinary citizens, authorized to review complaints of police misconduct.

civil court. A court that handles civil cases rather than criminal cases.

criminal procedure. The rules for processing someone through the criminal justice system.

deadly force. Force that poses a high risk of death or serious injury to a human.

exclusionary rule. A judicial rule that prevents the government from introducing illegally obtained evidence at a criminal trial.

interrogation. Questioning.

magistrate. A court officer who issues warrants, normally a lower-court judge who handles pretrial proceedings or presides over misdemeanor trials.

***Miranda* warning.** A statement about the rights of suspects which police must read to suspects in custody before questioning them.

motion. A formal request made to a court.

motion to suppress. A request to exclude evidence from the trial because it was illegally obtained.

plea bargain. An agreement struck between a criminal defendant and prosecutor. In exchange for a guilty plea from the defendant, the prosecutor will either (1) drop one of several charges, (2) lower the charge, or (3) recommend a light sentence.

probable cause. Evidence that an independent, cautious person would have good reason to believe.

prosecute. To try someone for a crime.

search. In *Katz v. United States* (1967), the Supreme Court defined a search as any governmental intrusion into something in which a person has a reasonable expectation of privacy.

seizure. Any taking into possession, custody, or control. Property may be seized, but so may people. An arrest is one form of seizure.

warrant. A court order issued by a judge authorizing a search, an arrest, or a seizure of evidence of a crime.

Name_____

Date _____

Sampling Class Opinion

Questionnaire

Next to each letter below, write the number that indicates the degree of your agreement or disagreement with the statement next to it.

5–strongly agree

4–agree

3–uncertain

2–disagree

1–strongly disagree

In my community, police . . .

___ a. treat most teenagers fairly.

___ b. are doing a good job.

___ c. would refuse if bribes were offered to them.

___ d. avoid using too much physical force against people.

___ e. generally treat wealthy people the same as poor people.

___ f. generally treat all racial groups in the same way.

Name_____

Date _____

Legal-Ease for Unit 3

The law has a special language of its own. Below are definitions of some legal terms you will find in this unit . Study them and watch for them in your reading. If you come across other terms you need help with, look them up in the glossary at the back of the book.

---

arraignment. A court hearing in which the defendant must enter a plea.

arrestee. The person arrested.

bail. A pretrial procedure permitting an arrested person to stay out of jail by depositing a set amount of money as security that the person will show up for trial.

bench. The judge's desk in the courtroom.

booking. The process of recording the arrest. A booking officer records the accused's name and address, the charges, and time and place of arrest, and may take fingerprints and photographs of the accused.

burden of proof. The responsibility of proving facts in a case. In a criminal trial, the prosecution has the burden of proving its case beyond a reasonable doubt.

case in chief. One side's trial evidence. In a criminal trial, the prosecution presents its evidence first. After it rests its case, the defense presents its case.

cross-examination. The questioning of an opponent's witnesses.

defendant. The accused in a criminal trial.

defense attorney. The attorney for the accused.

direct examination. An attorney's initial questioning of his or her own witness.

evidence. The means of determining facts in a trial.

fact finder. The one responsible for deciding the facts of a particular case and coming to a verdict; either a judge or jury.

hearing. Any court proceeding, such as a trial.

homicide. Literally, human killing. The crimes of homicide range from different degrees of murder to different kinds of manslaughter.

jurisdiction. The geographical area or subject matter over which particular courts have power.

prosecutor. The government's attorney who presents the case against a criminal defendant.

prosecutorial discretion. The prosecutor's authority to decide what charges to bring and how to pursue a criminal case.

redirect examination. An attorney's requestioning of his or her own witness after cross-examination.

relevant. Pertinent, appropriate, related to the subject at hand.

testify. To make statements as a witness under oath.

testimony. Statements made by witnesses under oath.

victimless crimes. Crimes, such as prostitution and possession of illegal drugs, in which everyone is involved by choice.

voir dire. During jury selection, the questioning of prospective jurors.

Name_____

Date _____

The Prosecutor Decides

CHARGES:

First-Degree Murder

- Is there evidence that Thomas Carter formed an intent to kill Oscar Hanks? Explain.

_____

_____

- Is there evidence of premeditation? Explain.

_____

_____

- Is there evidence which would show that this intent was transferred to the killing of Joyce Ann Miller (using the doctrine of transferred intent)? Explain.

_____

or

- Is there evidence to show that Thomas Carter formed an intent to kill and premeditated the killing of Joyce Ann Miller? Explain.

_____

_____

Second-Degree Murder

- Is there evidence that Thomas Carter formed an intent to kill Joyce Ann Miller? Explain.

_____

_____

or

- Is there evidence that Thomas Carter had the intent to do an act where there was an obvious risk that death or great bodily harm would result? Explain.

_____

_____

Voluntary Manslaughter

- Is there evidence that Thomas Carter formed an intent to kill Oscar Hanks? Explain.

_____

_____

- Is there evidence that Oscar Hanks seriously provoked the actions of Thomas Carter? Explain.

_____

_____

- Is there evidence that Thomas Carter did not have sufficient time to calm down after being provoked? Explain.

_____

_____

Involuntary Manslaughter

- Is there evidence that Thomas Carter committed an act in a criminally negligent manner? Explain.

_____

_____

Decision: Considering all relevant factors, what crime would you charge Thomas Carter with? (Be prepared to present and discuss your final recommendation with the class.)

_____

45

Name_____

Date _____

In the Halls of Justice

Field Experience Report

Name of Courthouse:
Address:
Telephone: Reporting Time:
Contact Person (if any):
1. Describe the general environment of the courthouse. Are the court facilities crowded and noisy, or calm and businesslike?
2. Describe the security arrangements in the court building and in the courtrooms.
3. In the arraignment court, describe what is going on.
4. In a preliminary hearing, describe what is going on.

Name_____

Date _____

In the Halls of Justice

Field Experience Report

5. At a criminal jury trial:

- What is the case about?
- Is it a felony of misdemeanor prosecution?
- What is the prosecutor-a deputy district attorney, deputy city attorney, a federal prosecutor?
- What do you observe the prosecutor doing during the trial?
- Who is the defense attorney-a deputy public defender, private attorney?
- What do you observe the defense attorney doing during the trial?
- What do you observe the judge doing during the trial?
- Describe the questioning of one witness in the trial.
- Do the jurors seem to be attentive? Describe them.

6. What is your overall impression of your courthouse visit? Were you confused by anything you saw or heard?

7. If the opportunity arises or can be arranged, interview an officer of the court (e.g., court clerk, judge, attorney). Report back you findings.

Name_____

Date _____

Choosing a Jury
Observer Evaluation Form

1. Put a (+) in front of the most realistic role players. Put a (-) in front of the least realistic groups.

    . . . . .prospective jurors

    . . . . .lawyers

    . . . . .judge

2. The jurors who most realistically portrayed their roles were:

3. Based on the jury that was finally selected, who do you think will win this case? Why?

4. An effective question asked by the defense attorney was:

5. An effective question asked by the prosecuting attorney was:

6. A good question not asked of the prospective jurors is:

Name_____

Date _____

The Defense Rests. . .

Closing Statement Evaluation Form

Evaluate each closing statement you hear using this sheet. Put the name of the presenter in the appropriate box. Each number on the left below summarizes one of the "Guidelines for an Effective Closing Statement" on page 162. After each presentation, place a check mark in the box if the presenter's statement met the criterion.

Names of Presenters

Guidelines for an Effective Closing Statement										
1. Was emotionally charged.										
2. Emphasized facts supporting their side.										
3. Noted weaknesses in other side.										
4. Summarized favorable testimony.										
5. Reconciled inconsistencies in their side.										
6. Used few, if any, notes.										
7. Was well-organized.										
8. Addressed reasonable doubt.										
9. Ended with an appeal to convict or acquit.										

Name_____

Date _____

Legal-Ease for Unit 4

The law has a special language of its own. Below are definitions of some legal terms you will find in this unit . Study them and watch for them in your reading. If you come across other terms you need help with, look them up in the glossary at the back of the book.

---

capital punishment. The death penalty.

deterrence. The idea that fear of punishment will prevent crimes. For example, some people might be deterred from robbing banks because they know that bank robbers go to jail.

determinate, or **fixed, sentence.** A prison sentence for a specific length of time.

indeterminate sentence. A prison sentence of an indefinite period of time, for example "one year to 30 years." Under this sentence, prisoners are released when the parole board determines they are rehabilitated.

pardon. An act by the governor or president that forgives all or part of a prisoner's sentence.

parole. The conditional release of a prisoner before the end of a prison term.

parole board. A board appointed by the governor that determines when prisoners may be released on parole.

penitentiary. A state or federal maximum-security prison.

probation. An alternative to prison. This sentence requires the offender to follow certain conditions, usually under the supervision of a probation officer.

recidivism. The committing of further crimes by offenders with previous convictions.

rehabilitation. Helping convicted offenders change their behavior so that they can lead productive lives in society.

sentence. A punishment for a crime.

Name_____

Date _____

Legal-Ease for Unit 5

The law has a special language of its own. Below are definitions of some legal terms you will find in this unit . Study them and watch for them in your reading. If you come across other terms you need help with, look them up in the glossary at the back of the book.

---

adjudicatory hearing. A trial in juvenile court.

aftercare. A program for supervising a juvenile who has returned home after a period of confinement. An equivalent to parole in the adult system.

age of majority. The age a person is considered an adult for legal purposes.

delinquent act. In most states, this means an act, which if done by an adult, would be a crime. Some states, however, also include status offenses as delinquent acts.

dispositional hearing. The term for a sentencing hearing in juvenile court.

fitness hearing. A special hearing in juvenile court to determine whether a juvenile should be tried in adult court.

habeas corpus, writ of. A court order requiring authorities to release a prisoner because the court has found that the prisoner is being illegally detained.

incorrigible. A term describing juveniles who cannot be controlled by their parents.

parens patriae. The idea that the state takes the role of parents to protect juveniles.

plaintiff. The party in a lawsuit who sues the other party.

status offense. An offense, such as truancy and running away from home, that would not be a crime if committed by an adult.

training schools. Large secure facilities which hold juveniles after they are found delinquent.

victimless crimes. Crimes, such as prostitution and possession of illegal drugs, in which everyone chooses to be involved.

Name_____

Date _____

Who Should Be in the System?

Who should deal with the *juveniles* involved in the following cases? Mark the appropriate boxes.

	State or local service agencies	Juvenile courts	Adult criminal courts	No government institution
Abuse or neglect				
Criminal influence				
Economic hardship				
Unconventional homes				
Ungovernability				
Status offenses				
Runaways				
Abuse of intoxicating substances				
Misdemeanors				
Victimless crimes				
Shoplifting				
Major theft or other property crimes				
Violent crimes				

Name _____

Date _____

Detain or Release

San Francisco Juvenile Detention Screening Criteria

NAME OF MINOR _____ **PFN** _____ **ADMIT DATE** _____
ADMIT TIME _____
MOST SERIOUS INSTANT OFFENSE _____ **ARREST TIME** _____

INSTRUCTIONS: Score minor for each factor below and enter the appropriate score in spaces provided in the right hand column.

FACTOR		*SCORE*
1. MOST SERIOUS INSTANT OFFENSE (Score one charge only)		
Serious Violent Offenses		
WIC 707(b) offenses	10	
Other listed violent offenses	7	
Narcotics/Weapons Offenses		
Possession of firearms	10	
Sale of narcotics/drugs	7	
Possession of narcotics/drugs for sale	6	
Felony possession of narcotics/drugs	5	
Misdemeanor possession of narcotics/drugs	3	
Property Offenses		
Felonies	5	
Misdemeanors	3	
All Other Crimes or Probation Violations	0	_____
2. NUMBER OF PRIOR ARRESTS, LAST 12 MONTHS		
Prior felony arrest within the last 7 day	5	
6 or more total arrests, last 12 months	3	
4 to 5 total arrests, last 12 months	2	
1 to 3 total arrests, last 12 months	1	
No arrests within the last 12 months	0	_____
3. PROBATION/PETITION STATUS		
Active cases (select only one score)		
With petition now pending	6	
With last adjudication within 90 days	4	
With last adjudication more than 90 days ago	2	
Not an active case	0	_____
4. SPECIAL DETENTION CASES (Check whichever applies)		
Escapee_____ Failed placement_____ Transfer In _____		
Arrest Warr_____ Bench Warr_____ Court Order _____		
Other (describe) _____	10	
Not Applicable	0	

DETAINED RELEASE DECISION SCALE
Score 0–9 = RELEASE Score 10+ = DETAIN

TOTAL SCORE _____

53

Name_____

Date _____

Legal-Ease for Unit 6

The law has a special language of its own. Below are definitions of some legal terms you will find in this unit . Study them and watch for them in your reading. If you come across other terms you need help with, look them up in the glossary at the back of the book.

---

criminology. The study of crime.

discretionary jurisdiction. The power of some appeals courts, such as the U.S. Supreme Court, to accept or refuse to hear particular appeals.

due process. Under The Fifth and 14th amendments, the basic requirement that no person can be deprived of life, liberty, or property without a fair trial. This means both fair laws and fair procedures must be used.

forfeiture. The legal confiscation of assets, which were either used in or derived from illegal activity.

incarceration rate. The number of prisoners per 100,000 population.

vigilantes. Persons who take the law into their own hands and punish suspected lawbreakers.

white-collar crime. A class of property crimes that are usually job-related, such as embezzlement, bribery, and consumer fraud.

Name_____

Date _____

Fighting Crime in the City of Athena (part one)

Ranking the Proposals

Rank the six proposals in order of which would be the most effective at fighting crime in the city.

Most Effective
1.
2.
3.
4.
5.
6.

Rank the six proposals again, this time in order of which would be the most effective for the *least amount of money.*

Most Cost-Effective
1.
2.
3.
4.
5.
6.

Name_____

Date _____

Fighting Crime in the City of Athena (part two)

Program Awards

Use this sheet to keep track of the awards for the various programs. Remember the total awards must add up to $180,000.

Program	Request	Award
Police Aides	$108,000	
Force One Security Patrol	$144,000	
Self-Defense Classes	$ 27,000	
Crime Prevention Seminars	$ 67,500	
Citizenswatch Patrols	$ 33,000	
Crimescope Hotline	$ 75,000	
TOTAL	$472,500	$180,000

Section 5. Test Masters and Answer Keys

The following test masters and answer keys are designed to serve as a part of assessing student performance in obtaining the content and skills objectives of *Criminal Justice in America*.

The **Pre- and Post-Observations**, an opinion master, is designed to assess student opinion on a range of issues relating to criminal justice. Teachers are encouraged to administer the survey before instruction begins and at its completion. Students then can compare any shifts in opinion or attitudes. When the survey is given a second time, students also can be asked to write short essays explaining their responses to the various items. These essays can be used as a part of the final evaluation.

In addition, there are six master tests (one for each unit) and a final test. Test items include true and false, matching, multiple choice, fill-in, short answer, and essay. Each type of item has a consistent point scale, but the total points on each test do not add up to 100. Teachers are encouraged to convert raw scores into percentages on a test-by-test basis or on the basis of total points for all tests administered. To better assure testing integrity, teachers are also encouraged to reproduce and collect tests each time they are administered.

In developing these tests, every effort was made to link the items to the stated objectives and develop items that would test a range of performance, including recall, identification, comprehension, comparison, analysis, and evaluation. Because the needs of individual classes vary, however, teachers are also encouraged to create their own items to supplement those that are provided.

Finally, it is important that these tests serve as only one component in assessing student performance. Teachers should also consider class participation; responses to directed discussions; products from activities; performance in writing activities, reports, and field work; and extra credit accomplishments in making a final evaluation of student achievement.

Name_____

Date _____

Pre- and Post-Observations

Next to each statement below, write the number that indicates the degree of your agreement or disagreement with the statement.

5–strongly agree
4–agree
3–uncertain
2–disagree
1–strongly disagree

____ 1. The government should provide compensation to victims of violent crimes.

____ 2. The verdict "not guilty by reason of insanity" should be abolished.

____ 3. Those arrested and charged with crimes should be held in jail until guilt or innocence is decided at their trials.

____ 4. People accused of crimes have too many rights.

____ 5. People suspected or accused of crimes should NOT have to answer questions from police.

____ 6. Juveniles under 16 accused of crimes should be treated differently from adults accused of crimes.

____ 7. Criminal defendants should be treated as if they are innocent until they are proven guilty in a court of law.

____ 8. Judges, rather than police, should have the final say about whether police should search a person's home.

____ 9. If the police obtain evidence illegally, it should still be allowed to be used in a trial.

____ 10. Longer prison terms would deter crime and cause crime rates to drop.

____ 11. Juveniles under 16 who are convicted of first-degree murder should be subject to the death penalty.

____ 12. The death penalty should be abolished.

Name_____

Date _____

Test for Unit 1

TRUE or FALSE (2 points each):

____ (1) Most states have laws for compensating victims of violent crimes.

____ (2) Except for the last 30 years, the United States has experienced relatively little violent crime in its history.

____ (3) Compared to males, females are responsible for few violent crimes.

____ (4) Many swindlers rely on the victim trying to get something for nothing.

MULTIPLE CHOICE QUESTIONS (4 points each):

____ (5) Which of the following is NOT an affirmative defense?

a. John claims he didn't do it.
b. John claims he acted in self-defense.
c. John claims the police entrapped him.
d. John's lawyer claims John is insane.
e. Both a. and d.

____(6) Which of these crimes is most likely NOT to be reported to the police?

a. Domestic violence
b. Robbery
c. Auto theft
d. Homicide
e. Both a. and c.

FILL IN THE BLANKS (6 points each):

(7) When a criminal is forced to pay back a victim directly, it is called _____.

(8) _____ are more serious crimes than misdemeanors.

(9) _____ is another name for theft.

(10) Many police departments have _____ squads to investigate con games.

Name_____

Date _____

SHORT ANSWER QUESTIONS (10 points each):

(11) List the four basic elements that make up every crime.

(12) List four homicide offenses in the order of most serious to least serious.

(13) Compare and contrast burglary and robbery. Give an example of each.

ESSAY QUESTIONS (25 points each):

(14) Imagine that legislators in your state are considering replacing the verdict of "not guilty by reason of insanity" with "guilty but mentally ill." Write an essay supporting or opposing this change. In your essay, discuss the following points:

- what the two verdicts mean (5 points)
- the pros and cons of both (10 points)
- the reasons you believe as you do (10 points)

(15) Imagine that legislators in your state are considering adopting the following hate-crime law:

> Anyone who intentionally selected the victim because of the victim's race, color, national origin, ancestry, religion, disability, or sexual orientation shall have his or her sentence increased by 30 percent over the normal sentence.

Write an essay supporting or opposing this law. In your essay, discuss the following points:

- the pros of this law (5 points)
- the cons of this law (5 points)
- possible constitutional challenges to the law (5 points)
- the reasons you believe as you do (10 points)

Name_____

Date _____

Test for Unit 2

TRUE or FALSE (2 points each):

____(1) Like most other nations, the United States has one national police force that enforces all laws throughout the nation.

____(2) Police officers have many other tasks besides enforcing the law.

____(3) If your neighbor Sam breaks into your house, he has violated your constitutional right to privacy.

____(4) Police may use whatever level of force is reasonable and necessary to make an arrest.

____(5) Police have the right to shoot any person fleeing after committing a crime.

MULTIPLE CHOICE QUESTIONS (4 points each):

____(6) Which creates rules of criminal procedure?

a. U.S. Supreme Court
b. State and federal appeals courts
c. State statutes
d. Federal statutes
e. All of the above

____(7) Which of the following meets the Supreme Court's definition of a search?

a. From the sidewalk, a police officer sees a marijuana plant growing in a yard.
b. The police walk through a cornfield on a large farm and find marijuana growing.
c. The police look through the dump and find letters that Sam has thrown away.
d. The police stop Phil on the street and ask him a few questions.
e. After getting George's consent, the police look through George's house.

____(8) Which of the following is NOT a legal search?

a. Late at night, near the scene of a robbery, police stop Sam, pat him down, feel a soft bag in his pocket, pull it out, and find marijuana.
b. Police lawfully arrest George, search the knapsack he is carrying, and find a handgun.
c. Police search Phil's car for drugs. They have probable cause for the search, but no warrant.
d. Police chase Harry, who has just robbed a liquor store. They follow Harry to his house, order him out, and break down the door when he refuses.
e. Police, with probable cause, obtain a search warrant and search Marty's house.

____ (9) Which of the following statements requires a Miranda warning for it to be admissible in court?

a. Stopping Sam for speeding, the police ask him why he was driving so fast. He replies: "I just robbed a bank."
b. Police handcuff George outside a liquor store. He shouts, "I confess! I robbed the store."
c. Police trace a bomb threat to Bob's phone. They arrest Bob and demand to know where the bomb is located. Bob says, "On the third floor of the office building in a file cabinet."
d. Suspicious about Phil's behavior, police stop him and ask what he's doing. He replies, "You will find out sooner or later. I just killed Dan."
e. Police arrest Fred for breaking into a house. In the squad car they ask him why he did it. He replies, "I needed cash to buy drugs."

Name_____

Date _____

FILL IN THE BLANKS (6 points each):

(10) Criminal _____ sets out the rules for processing someone through the criminal justice system.

(11) The _____ Amendment to the U.S. Constitution is the source of procedures about police searches.

(12) Another word for questioning is _____.

(13) Police normally need a _____ to search a house.

SHORT ANSWER QUESTIONS (10 points each):

(14) Define probable cause.

(15) Define and give examples of a seizure.

(16) List one method used to discipline problem police officers. Give a strength and weakness of this method.

(17) What is the difference between community policing and motorized rapid response?

ESSAY QUESTIONS (25 points each):

(18) Write an essay supporting or opposing this statement: "The exclusionary rule should be abolished." In your essay, discuss the following points:

- what the exclusionary rule is (10 points)
- two reasons for supporting it (5 points)
- two reasons for opposing it (5 points)
- your reasons for supporting or opposing it (5 points)

(19) Select one of the problems below. Write an essay on what should be done about it. In your essay, discuss the following points:

- what the problem is (10 points)
- at least two options for dealing with it (6 points)
- what you think should be done and why (9 points)

Problems:

- Racial profiling
- Police corruption

Name_____

Date _____

Test for Unit 3

TRUE or FALSE (2 points each):

____ (1) The preliminary hearing or grand jury determines whether there is enough evidence to hold a defendant for trial.

____ (2) Juries are supposed to base their verdicts solely on the evidence presented during the trial.

____ (3) Many criminal suspects are tried and convicted only with circumstantial evidence.

____ (4) In most situations, all evidence will be admitted into a trial unless an attorney objects that it violates one of the rules of evidence.

____ (5) To prove a defendant is guilty of a crime, the state must prove its case beyond a reasonable doubt.

____ (6) Most criminal cases conclude with a plea bargain.

MULTIPLE CHOICE QUESTIONS (4 points each):

____ (7) Which is NOT circumstantial evidence that Sam shot George.

a. George was shot with Sam's gun.
b. A neighbor saw Sam shoot George.
c. Sam was caught outside George's house right after the murder.
d. Sam's fingerprints were found inside George's house.
e. Sam told people he wanted to kill George.

____ (8) Which of the following may a judge take into consideration in setting bail?

a. the crime
b. the past record of the accused
c. the likelihood that the defendant will appear in court.
d. all of the above
e. a. and b. only.

____ (9) Who ultimately decides what charges to bring against criminal suspects?

a. arresting officer
b. police captain
c. prosecutor
d. mayor
e. a. or b.

63

Name_____

Date _____

FILL IN THE BLANKS (6 points each):

(10) After an attorney calls and questions a witness, the other side gets to _____ the witness.

11) Most people arrested are entitled to be released on _____.

SHORT ANSWER QUESTIONS (10 points each):

(12) Compare and contrast first-degree murder and second-degree murder.

(13) Compare and contrast peremptory challenges and challenges for cause.

(14) Draw and label a diagram of a typical courtroom. Include prosecution and defense tables, jury box, judge's bench, spectator seats, clerk's desk, and witness stand.

ESSAY QUESTION (25 points):

(15) Write an essay explaining the following steps in a criminal case: ARRAIGNMENT, INITIAL APPEARANCE BEFORE A JUDGE, DEFENDANT'S CASE IN CHIEF, JURY SELECTION, PROSECUTION'S CASE IN CHIEF. In your essay, do the following:

- Put each step in the proper order (5 points).
- Describe the step is (10 points).
- Tell its purpose (10 points).

Name_____

Date _____

Test for Unit 4

TRUE or FALSE (2 points each):

____ (1) Because of high rates of recidivism and public demand to get tough on criminals, the corrections system turned away from rehabilitation during the 1980s.

____ (2) If a convict is caught violating probation, the convict automatically goes to prison.

____ (3) Non-violent offenders can be sentenced to perform community service.

____ (4) Some prisons in the United States are privately owned.

____ (5) The American public has always overwhelmingly supported the death penalty.

MULTIPLE CHOICE QUESTIONS (4 points each):

____ (6) Which of these is NOT an example of a community-based correctional facility?
a. boot camp
b. halfway house
c. residential care facility
d. group home
e. drug treatment center

____ (7) Which of these is NOT a problem that community-based correctional programs face?
a. Lack of funding
b. Difficulty in handling habitual and violent criminals
c. Community alarm about safety and property values
d. Higher costs than maximum-security facilities.
e. None of the above.

____ (8) Which of the following is currently a major problem in U.S. prisons?
a. overcrowding
b. racial gangs
c. idleness of prisoners
d. danger of prison revolts
e. all of the above

____ (9)Which of the following punishments was NOT used in Colonial America?
a. stocks and pillory
b. penitentiary
c. ducking stool
d. branding and mutilation
e. public humiliation

____ (10) Compared to other countries, the rate of incarceration in the United States is
a. the lowest in the world.
b. lower than the rate in most countries
c. about the same as the rate in most countries
d. higher than the rate in most countries.
e. the highest in the world.

Name_____

Date _____

____ (11) Which Western democracies still have the death penalty for criminals?

a. United States
b. Great Britain
c. France
d. Italy
e. all of the above

SHORT ANSWER QUESTIONS (10 points each):

(12) Briefly explain the Eighth Amendment to the U.S. Constitution.

(13) Compare and contrast probation and parole.

(14) Describe some common difficulties ex-convicts face when they are released from prison.

ESSAY QUESTIONS (20 points each):

(15) Write an essay on THREE different kinds of sentencing laws: (a) fixed sentences, (b) indeterminate sentences, and (c) sentencing guidelines. In your essay, do the following:

- Define and give an example of each (5 points).
- Explain a strength and weakness of each (5 points).
- Explain which kind of sentencing law you believe is best (5 points).
- Support your conclusion with reasons (5 points).

(16) Choose THREE of the five major theories of punishment (Rehabilitation, Restitution, Incapacitation, Deterrence, Retribution) and write an essay that covers the following points:

- Explain three of the theories (5 points).
- Give an example of all three (5 points).
- Explain a strength and weakness of each (5 points).
- Explain which theory comes closest to your idea of what is just (5 points).

(17) Imagine that legislators in your state are considering adopting three-strikes legislation that counts any felony as a strike. Write an essay supporting or opposing this law. In your essay, discuss the following points:

- the pros of this law (5 points)
- the cons of this law (5 points)
- the possible constitutional challenges to this law (5 points)
- the reasons you believe as you do (5 points)

Name_____

Date _____

Test for Unit 5

TRUE or FALSE (2 points each):

____ (1) The main goal of the juvenile justice system has traditionally been rehabilitation.

____ (2) The U.S. Supreme Court has ruled that juveniles under age 18 cannot be executed.

____ (3) One of the problems cited by the Office of Juvenile Justice and Delinquency Prevention is the large number of minority youths held in custody.

MATCHING (3 points each):

Match the term from the juvenile justice system with the adult system's equivalent term.

Juvenile court term	**Adult system term**
____ (4) adjudicatory hearing	A. arrest
____ (5) aftercare	B. crime
____ (6) delinquent act	C. parole
____ (7) finding of delinquency	D. sentencing hearing
____ (8) dispositional hearing	E. trial
____ (9) take into custody	F. verdict of guilty

MULTIPLE CHOICE QUESTIONS (4 points each):

____ (10) A juvenile justice system, separate from the adult system was developed in most states by about
a. 1820
b. 1850
c. 1920
d. 1960

____ (11) Which is NOT currently a problem of prehearing detention in most jurisdictions?
a. Juvenile detention facilities are overcrowded.
b. It is very expensive to detain juveniles.
c. Juveniles in custody face danger from other juveniles.
d. Juveniles in custody are at high risk of suicide.
e. Juveniles are mixed with adults.

____ (12) The U.S. Supreme Court decision that changed the juvenile justice system is
a. *Gault*
b. *McKeiver*
c. *Miranda*
d. *Mapp*
e. *Schall*

____ (13) Which of the following age groups commits has the highest rate for committing violent crimes?
a. 18 to 24 year olds
b. 30 to 45 year olds
c. 50 to 60 year olds
d. There is no significant difference among the groups.

67

Name_____

Date _____

____ (14) In *New Jersey v. TLO*, the U.S. Supreme Court held that school officials can search a student only if
a. they have a search warrant
b. they have probable cause
c. they have the principal's permission.
d. it is reasonable under the circumstances.
e. both a. and b.

DEFINE (5 points each):

(15) Fitness hearing

(16) *Parens patriae*

(17) Status offense

SHORT ANSWER QUESTIONS (10 points each):

(18) List TWO options judges have in sentencing juveniles and briefly describe each.

a.

b.

(19) Read the following fact situation. Based on what you know about the rights of juveniles in juvenile court, list TWO violations of the juvenile's rights under the U.S. Constitution. (There are a total of four violations. For extra credit, you may list one or two other violations.)

A neighbor accuses Sam of writing graffiti on a wall. Taken into custody, Sam is held without bail. After two days, he is released into his parents' custody. A petition is filed against him claiming he is a delinquent minor, but the petition does not mention any specific charges against Sam. At his hearing, Sam demands a jury trial, but the judge refuses. Conducting the case without a jury, the judge orders Sam to testify. Sam denies any wrongdoing. A police officer testifies next and states that the neighbor saw Sam painting graffiti on a wall. After hearing only these two witnesses, the judge rules Sam delinquent because a preponderance of the evidence is against him. The judge orders that Sam be placed in a juvenile detention facility.

Violation #1:

Violation #2:

Violation #3 (4 points extra credit):

Violation #4 (4 points extra credit):

Name_____

Date _____

(20) What are some differences between the California and Massachusetts approach to juvenile corrections? What are potential problems of each? Which do you think works better? Why?

ESSAY QUESTION (25 points):

(21) Should juveniles convicted of murder be subject to the death penalty? In your essay, do the following:

- discuss the current state of the law on this subject (15 points).
- give reasons supporting and opposing imposing the death penalty on juvenile offenders (5 points).
- give your opinion with reasons supporting it (5 points).

Name_____

Date _____

Test for Unit 6

TRUE or FALSE (2 points each):

____ (1) Experts are in unanimous agreement about what causes violent crime.

____ (2) About half of all persons convicted of violent crimes drank alcohol shortly before committing their crime.

____ (3) All other Western democracies have stricter national gun-control laws than the United States.

____ (4) Neighborhood watch programs have proven successful in reducing crime.

____ (5) The homicide rate in the United States is lower than in other Western nations.

MULTIPLE CHOICE QUESTIONS (4 points each):

____ (6) In which stage of the criminal justice system have studies shown that racial disparities exist?

a. plea bargaining
b. jury verdicts
c. sentencing
d. death penalty
e. all of the above

____ (7) Which branch of the federal government is responsible for addressing the crime problem?

a. Legislative branch
b. Executive branch
c. Judicial branch
d. a., b., and c.
e. a. and c.

____ (8) Which time period had the worst crime problem for U.S. schools?

a. 1950 to 1967
b. 1968 to 1971
c. 1972 to present
d. No difference in crime in these periods.

SHORT ANSWER QUESTIONS (10 points each):

(9) List three possible causes of crime. Briefly explain which cause you think is most important and why.

70

Name_____

Date _____

(10) List in order the courts that a criminal defendant in a state trial court would have to go through before an appeal would reach the U.S. Supreme Court.

1. State trial court.
2. _____
3. _____
4. U.S. Supreme Court

ESSAY QUESTIONS (20 points each):

(11) Write an essay supporting or opposing this statement: Civil asset forfeiture should be eliminated. In your essay, discuss the following points:

- What civil asset forfeiture is and how it differs from criminal forfeiture (5 points).
- Reasons for supporting it (5 points)
- Reasons for opposing it (5 points)
- Your reasons for supporting or opposing it (5 points)

(12) Write an essay supporting or opposing this statement: There should be strict national gun control laws. In your essay, discuss the following points:

- The problem gun control laws attempt to solve (5 points)
- Reasons for supporting gun control (5 points)
- Reasons for opposing it (5 points)
- Your reasons for supporting or opposing it (5 points)

Name_____

Date _____

Final Test for *Criminal Justice in America*

TRUE or FALSE (2 point each):

____ (1) The FBI's Uniform Crime Reports is based on reports from police departments across the country.

____ (2) When a criminal is forced to pay back a victim directly, it is called restitution.

____ (3) Almost every state has laws providing compensation for victims of violent crimes.

____ (4) Except for the last 30 years, the United States has experienced relatively little violent crime in its history.

____ (5) Crime in schools today is far worse than it was during the 1960s.

____ (6) Intent is not an element of most crimes.

____ (7) Robbery is another word for burglary.

____ (8) Police do not normally need a search warrant to search a house.

____ (9) Police have the right to shoot any person fleeing after committing a crime.

____ (10) In a criminal trial, the prosecutor presents the government's case against the defendant.

____ (11) A physical object, such as a weapon, can be evidence at a trial.

____ (12) Criminal suspects can be tried and convicted on the basis of circumstantial evidence.

____ (13) In most situations, evidence will be admitted into a trial unless an attorney objects that it violates one of the rules of evidence.

____ (14) Evidence must be relevant to an issue in a trial.

____ (15) A common objection to testimony at a trial is that it is hearsay.

____ (16) Attorneys cross-examine the witnesses they call to the stand.

____ (17) A defendant in a criminal action is presumed to be innocent until proved guilty.

____ (18) The percentage of persons imprisoned in America is lower than in most countries in the world.

____ (19) Probation is another word for parole.

____ (20) Some prisons in the United States are privately owned.

____ (21) Some states have outlawed the death penalty.

____ (22) Juveniles can be taken into custody for offenses that adults cannot be taken in for.

____ (23) The U.S. Supreme Court has ruled that juveniles under the age of 18 cannot be executed.

____ (24) Experts agree about what causes violent crime.

____ (25) All Western democracies have stricter national gun-control laws than the United States.

FILL IN THE BLANKS (4 points each):

(26) In _____ policing, police walk foot patrols to get to know the community better.

(27) The _____ Amendment to the U.S. Constitution forbids cruel and unusual punishments.

(28) The main goal of the juvenile justice system has traditionally been _____.

Name_____

Date _____

(29) If a police undercover agent talks you into committing a crime, you may defend yourself at trial by claiming you were _____.

(30) The _____ Amendment to the U.S. Constitution is the source of procedures about police searches.

(31) The _____ rule prohibits the introduction of illegally seized evidence at trials.

(32) In the case of _____ *v. Arizona*, the Supreme Court held that before police can question suspects in custody, they must read them their rights.

(33) At the _____, the defendant pleads to the charges.

(34) To prove someone guilty of a crime, the state must prove its case_____.

(35) _____ are citizens who illegally take the law into their own hands and punish lawbreakers.

(36) Institutions that confine large numbers of juvenile offenders are known as _____ schools.

(37) The death penalty is also known as _____ punishment.

(38) _____ are more serious crimes than misdemeanors.

(39) Under civil _____ laws, strange case names, such as *U.S. v. One 1994 Toyota Camry*, often result.

(40) Trials in juvenile court are called _____ hearings.

SHORT ANSWER QUESTIONS (10 points each):

(41) Explain what an affirmative defense is. Give two examples.

(42) Explain the exclusionary rule. Give an example of how it works.

73

Name_____

Date _____

(43) Name two objections a lawyer can make to a witness's testimony. Explain what they mean.

(44) Compare and contrast determinate and indeterminate sentences.

(45) Compare and contrast civil and criminal forfeiture.

ESSAY QUESTIONS (25 points each):

(46) You have read about many problems in the criminal justice system. Write an essay on one of these problems. In your essay:

- Explain in detail what the problem is (10 points).
- Propose your solution to the problem (10 points).
- Give reasons supporting your solution (5 points).

(47) Write an essay giving your opinion on **one** of the following statements. In your essay include:

- Arguments in favor (5 points)
- Arguments opposed (5 points)
- your opinion supported by at least two reasons (10 points).

A. There are too many restrictions on police behavior.

B. Mandatory minimum sentences should be abolished.

C. The criminal justice system unfairly discriminates against minority groups.

Test Answers

Test for Unit 1

(1) T

(2) F

(3) T

(4) T

(5) a

(6) a

(7) restitution

(8) Felonies

(9) Larceny

(10) bunco

(11) prohibited act + intent + concurrence of act and intent + causation

(12) first-degree murder, second-degree murder, voluntary manslaughter, and involuntary manslaughter.

(13) Both are forms of stealing. A robber uses force or a threat of force to steal from someone. For example, a robber holds up a liquor store. A burglar illegally enters a structure to commit a crime, usually a theft. For example, a burglar breaks into a house and steals a television set.

(14) Students should touch on the following points:

- Both verdicts keep people in mental hospitals until they are well.
- Under a verdict of GBMI, a person serves a particular term whereas under NGBRI a person can be released when recovers.
- GBMI assigns criminal guilt while NGBRI assigns no guilt for the action.

On the pluses and minuses of both, accept any reasonable answer in addition to:

- NGBRI makes people only responsible for what they can control, but insanity difficult to define and may be subject to abuse.
- GBMI makes all people responsible for their actions, which could be too severe if not in control. It prevents abuse and people getting off.

On the reasons they believe as they do, accept any reasoned response.

(15) On the pros of hate-crime legislation, accept any reasonable response in addition to:

- Hate crimes are particularly harmful to our diverse society, sending a message some groups are not welcome.
- The laws express our intolerance to these crimes.
- They will prevent much violence.

On the cons, accept any reasonable answer in addition to:

- Current laws already cover the most serious offences.
- Sending minor offenders to prison will only harden their prejudices.
- Hate crime laws set up a special class of victims.

On the reasons they believe as they do, accept any reasoned response.

Test for Unit 2

(1) F

(2) T

(3) F

(4) T

(5) F

(6) e

(7) e

(8) a

(9) e

(10) procedure

(11) Fourth

(12) interrogation

(13) warrant

(14) Probable cause means that evidence must be strong enough that an independent, cautious person would have good reason to believe it.

(15) A seizure is the taking of objects or persons into custody. Examples: an arrest, taking evidence during a search.

(16) Possible answers for methods: criminal law (strength: strong punishment; weakness: applies to few cases, difficult to prove case, etc.), civil lawsuits (strength: monetary damages can force departmental change; weakness: difficult to get verdicts, cumbersome); review boards (strength: handles all sorts of complaints; weakness: often lack power or accused of being too close to police).

(17) Community policing stresses strengthening the community, fixing problems that citizens care about, and using problem solving. Motorized rapid response focuses on responding rapidly to reports of crime.

(18) Be sure students touch on the following points:

Meaning: The exclusionary rule bars illegally obtained evidence from use in criminal trials.

Reasons for supporting it: Promotes judicial integrity and deters illegal behavior.

Reasons for opposing it: Hampers fight against crime and makes no sense to let person go free because police made a mistake.

Their reasons: Accept any reasoned response.

(19) Students have selected one of two problems.

For Racial Profiling:

Problem definition: Racial profiling is the stopping of suspects because (1) of their race alone or (2) the suspects match a profile that includes race as factor.

Options: Have police collect data on race of people they stop; thoroughly investigate all allegations of officers targeting minorities; accept other reasonable responses.

What should be done: Accept any reasoned response.

For Police Corruption:

Problem definition: Corruption can be for personal gain or for departmental benefit.

Options: Get rid of victimless crimes; monitor police better; strengthen internal review; break down the code of silence; accept other reasonable responses.

What should be done: Accept any reasoned response.

Test for Unit 3

(1) T

(2) T

(3) T

(4) T

(5) T

(6) T

(7) b

(8) d

(9) c

(10) cross-examine

(11) bail

(12) Both require malice aforethought. But first-degree murder also requires premeditation.

(13) Both challenges are attorney requests to the court that a potential juror not serve on the jury. A peremptory challenge can be made for any reason, but each attorney has a limited number of these challenges. Challenges for cause, on the other hand, must be made for a good legal reason, such as bias. There is no limit to the number of challenges for cause.

(14) This is a diagram of a courtroom. Make sure the witness stand is on the side of the judge's bench next to the jury box. The drawing should include prosecution and defense tables, jury box, judge's bench, spectator seats, clerk's desk, and witness stand.

(15) The steps should be arranged in the following order:

FIRST APPEARANCE: A defendant's first pretrial hearing. It has several purposes: To inform the defendant of charges, rights, and to set the amount of bail, if any.

ARRAIGNMENT: At this pretrial hearing, the judge reads the charges to the defendant and asks for a plea. The purpose is to determine what the plea is. If guilty, there will be no trial.

JURY SELECTION: The first step at a trial. Jurors are subject to voir dire questioning. Purpose: To assure an impartial jury.

PROSECUTION'S CASE IN CHIEF: The evidence presented by the prosecution. Purpose: To convince the jury of the defendant's guilt.

DEFENDANT'S CASE IN CHIEF: The defendant's evidence. Purpose: To sow doubt in the minds of jurors, present alibis, or assert affirmative defenses.

Test for Unit 4

(1) T

(2) F

(3) T

(4) T

(5) F

(6) a

(7) d

(8) e

(9) b

(10) d

(11) a

(12) The Eighth Amendment bans cruel and unusual punishments.

(13) Similar: Supervision of convicted offenders.

Different: Court makes probation part of sentence. Parole granted during sentence by parole board.

(14) Getting a job, not falling back into old patterns, gaining acceptance from society, etc.

(15) (a) fixed sentences: judges determine the amount of time to be served at the time of sentencing, e.g., 5 years in prison (strength: prisoner knows how much time will be served, more equity in sentences; weakness: prisoner is released whether he or she is rehabilitated or not).

(b) indeterminate sentences: the sentence is stated as a range of years and the parole board determines the release date, e.g., sentence of 5 to 15 years (strength: the sentences tailored to individual prisoners; weakness: dissimilar sentences for similar crimes).

(c) sentencing guidelines: some sort of formula that judges apply mechanically, e.g., Minnesota grid (strength: equity in sentencing; weakness: little room to tailor the sentence to each individual).

Make sure students support their conclusion with reasons.

(16) Rehabilitation: treat and reform lawbreakers, e.g., a person who commits a crime receives counseling, education, and job training. Strength: Seeks to change the individual so he or she will not commit more crimes. Weakness: Critics say it doesn't work.

Restitution: repayment, e.g., the offender repays the victim. Strength: victim is repaid. Weakness: Cannot repay for violent crimes.

Incapacitation: Isolate criminals. Strength: Protects citizens. Weakness: Most criminals will return to society so protection is only temporary.

Deterrence: Prevent further crimes by making an example. E.g., Sam is sentenced to 10 years in prison for spitting on the sidewalk. This will make Sam and others think twice before spitting. Strength: Keeps people from committing crimes. Weakness: Critics argue that most criminals do not expect to be caught, and therefore they aren't deterred.

Retribution: revenge, e.g., Sam kills George so Sam must die. Strength: Advocates say victim has a right to get even. Weakness: Some say retribution is primitive and does not address the need to reform criminals or protect the innocent.

Make sure students support their conclusion with reasons.

(17) Pros: Keeps violent offenders behind bars for a long time; accept other reasonable answers.

Cons: High cost, may keep non-dangerous prisoners; accept other reasonable answers.

Possible constitutional challenges: The main issue is whether these laws violate the Eighth Amendment in certain cases because an offender may go to prison for life for a relatively minor offense. (In the law given here, this is unlikely because the third strike must be a violent offense.)

Reaons: Accept any reasoned response.

Test for Unit 5

(1) T
(2) F
(3) T
(4) E
(5) C
(6) B
(7) F
(8) D
(9) A
(10) c
(11) e
(12) a
(13) a
(14) d

(15) A hearing to determine whether a juvenile should be tried as an adult.

(16) The doctrine that the state takes the role of parents in supervising children.

(17) An offense, such as running away from home, that would not be an offense if it were committed by an adult.

(18) Student should answer with two of the following:

Juvenile detention centers: Facilities where juveniles are first brought.

Training schools: large reform schools.

Small, secure residential facilities: Holding few juveniles and equal numbers of staff.

Camps and ranches: Secure facilities in rural areas.

Boot camps: Similar to Army basic training.

Wilderness programs: Rigorous outdoor programs which build self-esteem and teamwork.

Group homes or halfway houses: Group homes with counseling and house rules.

Substance-abuse treatment centers: Residences focusing on treating drug and alcohol abuse.

Foster homes: Families take juveniles into their homes.

In-home placement: Juveniles return to their homes.

Day treatment programs: Juveniles live at home but attend programs for a specific length of time.

Intensive probation: Probation officers meet frequently with juveniles.

Probation: Probation officers supervise juveniles.

Summary probation: Juveniles released under parental supervision as long as they behave.

(19) Violation #1: Charges not mentioned in petition.

Violation #2: Sam compelled to testify.

Violation #3: No opportunity to cross-examine his accuser (the officer testified in place of the neighbor).

Violation #4: The evidence against Sam was not beyond a reasonable doubt—it was just the preponderance.

(20) Differences: California's strategy has been to lock more juveniles in secure training schools. Massachusetts' approach has been to close down the training schools, place violent offenders in small secure facilities, and place other offenders in community placements.

Problems: California may unwittingly be training criminals in its training schools. Massachusetts may be releasing dangerous juveniles into the community.

Make sure students support their conclusions.

(21) State of law: The Supreme Court has ruled that juveniles under 18 can be executed. It has in one case ruled that juveniles under 16 cannot be executed at least in

cases in which the state's death penalty statute does not clearly allow for their execution.

Reasons supporting and opposing: Accept any reasonable responses.

Make sure students support their opinion.

Test for Unit 6

(1) F

(2) T

(3) T

(4) T

(5) F

(6) e

(7) d

(8) c

(9) Accept any well-reasoned answer.

(10) 2. State appeals court

3. State supreme court

(11) Definition: Civil asset forfeiture laws allow law-enforcement to seize assets based on probable cause of criminal activity surrounding the asset. If no one objects, the asset is forfeited to the government. If someone does, the person must prove by a preponderance of evidence either that assets had nothing to do with criminal activity or that the person is an innocent owner.

How it differs from criminal forfeiture: In criminal forfeiture a defendant must be found guilty of a crime.

Reasons for supporting and opposing it: Accept any reasonable responses. Make sure students support their opinions.

(12) Gun control laws attempt to reduce violent crime.

Reasons for supporting or opposing: Accept any reasonable responses. Make sure students support their opinions.

Final Test

(1) T

(2) T

(3) T

(4) F

(5) T

(6) F

(7) F

(8) F

(9) F

(10) T

(11) T

(12) T

(13) T

(14) T

(15) T

(16) F

(17) T

(18) F

(19) F

(20) T

(21) T

(22) T

(23) F

(24) F

(25) T

(26) community, community-based, OR community-oriented

(27) Eighth

(28) rehabilitation

(29) entrapped

(30) Fourth

(31) exclusionary

(32) Miranda

(33) arraignment

(34) beyond a reasonable doubt

(35) vigilantes

(36) training

(37) capital

(38) Felonies

(39) forfeiture

(40) adjudicatory

(41) An affirmative defense, if proven, will prevent a guilty verdict even though the prosecution proves every element of the crime. Examples: insanity, self-defense, entrapment.

(42) Meaning: The exclusionary rule bars illegally obtained evidence from use in criminal trials. E.g., if a police officer makes an illegal search of Sam's house and finds a gun, the gun cannot be introduced as evidence at Sam's trial. The defense attorney will make a motion to suppress the evidence.

(43) The objection should be two of the following and defined:

Hearsay
Irrelevant
Beyond the scope of direct examination
Lack of personal knowledge
Badgering the witness or argumentative
Leading question
Opinion
Lack of foundation
Character not an issue

(44) These are sentences that judges impose. A determinate sentence marks a set amount of time in prison, e.g.,

78

five years. An indeterminate sentence g[illegible]s a range of years, e.g., one to five years and the par[illegible]e board determines when the prisoner will be released.

(45) They both allow the government to take assets from individuals. In criminal forfeiture, a defendant's assets may be forfeited as part of a sentence imposed on conviction for a crime. In civil forfeiture, police can seize assets based on probable cause (or a preponderance of the evidence in federal cases) of criminal activity surrounding the asset. If no one objects, the asset is forfeited to the government. If someone does object, the person (in most states) must prove by a preponderance of evidence either that the assets had nothing to do with criminal activity or that the person is an innocent owner. (In federal cases, the burden of proving the connection with criminal activity now falls on the prosecution.)

(46) Make sure students explain the problem in detail and support their solution.

(47) A. Make sure students give two examples of restrictions on police behavior, reasons supporting and opposing the restrictions, and support their conclusion.

B. Mandatory minimum sentences remove judicial discretion and require prison terms for certain crimes or criminals.

Reasons for: Sentences consistent; assure punishment.

Reasons against: Can be unfair; do not take individual and situation into account.

Make sure students support their opinion.

C. Make sure students identify two problem areas, give reasons supporting and opposing racism as the cause, and support their viewpoint.

Section 6: References for the Student Text

Unit 1:

Harry's story. From Harry Karabel. Printed with permission.

"Violence by Intimates," Washington, D.C.: Bureau of Justice Statistics, 1998.

"Intimate Partner Violence Fact Sheet," Washington, D.C.: Centers for Disease Control and Prevention, 2000. **www.cdc.gov/ncipc/factsheets/ipvfacts.htm#Intimate**

Denise's story. From a person who requested anonymity. Printed with permission.

Helen's story. From CRF staff member Helen Kwon. Printed with permission.

Maureen's story. Excerpted and edited from the March 7, 2000, statement of Maureen Mitchell before the U.S. Senate Subcommittee on Technology and Terrorism. **www.senate.gov/~judiciary/372000mm.htm**

"Violence by Intimates," Washington, D.C.: Bureau of Justice Statistics, 1998

Criminal Victimization in the United States, 1995, Washington, D.C.: Bureau of Justice Statistics, 2000.

Criminal Victimization 1998, Washington, D.C.: Bureau of Justice Statistics, 1999.

Karmen, Andrew *Crime Victims: An Introduction to Victimology* 2nd Edition. Pacific Grove, Calif.: Brooks/Cole Publishing Co.,1990.

Herrington, Lois Haight "Statement of Chairman," *President's Task Force on Victims of Crime*, December 1982.

Magnuson, E. "The Curse of Violent Crime" *Time* March 23, 1981.

Criminal Victimization in The United States, 1991: A National Crime Victimization Survey Report. Washington, D.C.: Bureau of Justice Statistics. 1992.

Criminal Victimization in The United States, 1973-90 Trends: A National Crime Victimization Survey Report. Washington, D.C.: Bureau of Justice Statistics. 1992.

Uniform Crime Reports: Crime in the United States 1999. Washington, D.C.: Federal Bureau of Investigation, 2000.

Sourcebook of Criminal Justice Statistics 1998. Washington, D.C.: Bureau of Justice Statistics. 1999. **www.albany.edu/sourcebook/**

From Pain to Power: Crime Victims Take Action, Office for Victims of Crimes, 1998.

Kilpatrick, Dean G., David Beatty, and Susan Smith Howley, "The Rights of Crime Victims–Does Legal Protection Make a Difference?" National Institute of Justice, 1998.

The Victim and Witness Protection Act of 1982 is 18 U.S.C. 1501 *et seq.*

Arthur J. Goldberg's quote from "Equality and Government Action," Volume 39, *New York University Law Review*, 1964.

Silberman, Charles, *Criminal Violence, Criminal Justice*, Random House, New York, 1978.

Thrasher, F., *The Gang*, University of Chicago Press, 1963.

1997 National Youth Gang Survey Summary, Washington, D.C.: Office of Juvenile Justice and Deliquency Prevention, 1999.

Looking at Crime From the Street Level, Washington, D.C.: National

Institute of Justice, 1999.

Howell, James C. and Scott H. Decker, "The Youth Gangs, Drugs, and Violence Connection," Washington, D.C.: Office of Juvenile Justice and Delinquency Prevention, 1999.

Howell, James C., "Youth Gangs: An Overview," Washington, D.C.: Office of Juvenile Justice and Delinquency Prevention, 1998.

Addressing Community Gang Problems: A Practical Guide, Washington, D.C.: Bureau of Justice Assistance, 1998.

"Youth Violence: A Community-Based Response, Washington, D.C.: U.S. Department of Justice, 1996.

Kennedy, David, "Pulling Levers: Getting Deterrence Right," *National Institute of Justice Journal*, July 1998.

Werdegar, Matthew Mickle, "Enjoining the Constitution: The Use of Public Nuisance Abatement Injunctions Against Urban Street Gangs," *Stanford Law Review*, January 1999.

"Crime's Decline–Why?" *National Institute of Justice Journal*, October 1998.

Promising Practices Against Hate Crimes: Five State and Local Demonstration Projects, Washington, D.C.: Bureau of Justice Assistance, 2000.

Fletcher, Michael A. "Why Is Crime Down in America? The Crime Conundrum," *The Washington Post*, 01-16-2000, pp F01.

Dvorak, John C., "A Brick Through the Window," *PC Magazine*, p. 99, April, 4, 2000.

ALI Model Penal Code Sec. 4.01 (1).

Unit 2:

Sir Robert Peel quote from Cromwell, P. and Keefer, G., *Police Community Relations*, West Publishing Co. (2nd edition, 1978). Citing, Graham, H., "Community Service." FBI Law Enforcement and Bulletin (October 1975) p. 68.

"I am a policeman because . . ." study cited in Cromwell and Keefer, p. 5.

Study of factors in police use of force cited in *Journal of Police Science and Administration*, Northwestern University School of Law, March 1981.

"Federal Law Enforcement Officers, 1998," Washington, D.C.: Bureau of Justice Statistics, 2000.

"Local Police Departments 1997," Washington, D.C.: Bureau of Justice Statistics, 2000.

"Death Investigation: A Guide for the Scene Investigator," Washington, D.C.: National Institute of Justice, 1999.

"Eyewitness Evidence: A Guide for Law Enforcement," Washington, D.C.: National Institute of Justice, 1999.

Fisher, David, *Hard Evidence: How Detectives Inside the FBI's Sci-Crime Lab Have Helped Solve America's Toughest Cases*. New York: Simon & Schuster, 1995.

Carter, David, "Drug-Related Corruption of Police Officers: A Contemporary Typology." *Journal of Criminal Justice* 18(2):85-98, 1990.

Baum, Lawrence, *The Supreme Court*. Sixth Edition. Washington, D.C.: CQ Press, 1998.

Bouza, Anthony V. *The Police Mystique*. New York: Plenum Press, 1990.

Bratton, William J. "Great Expectations: How Higher Expectation for Police Departments Can Lead to a Decrease in Crime."

Measuring What Matters: Proceedings From the Policing Research Institute Meetings. Washington, D.C.: Office of Community Oriented Policing Services.1999.

Fisher, David *Hard Evidence: How Detectives Inside the FBI's Sci-Crime Lab Have Helped Solve America's Toughest Cases* New York: Simon & Schuster, 1995.

Willing, Richard, "As Police Rely More on DNA, States Take a Closer Look," *USA Today*, June 6, 2000.

Weedn, Victor Walter and John W. Hicks, "The Unrealized Potential of DNA Testing," *National Institute of Justice Journal*, December 1997.

Steadman, Greg, "Survey of DNA Crime Laboratories, 1998," Bureau of Justice Statistics, 2000.

Asplen, Christopher H., "Forensic DNA Evidence: National Commission Explores Its Future," *National Institute of Justice Journal*, January 1999.

"What Every Law Enforcement Officer Should Know About DNA Evidence," Washington, D.C.: National Institute of Justice, 1999.

Wilson, James Q. and George Kelling, "The Police and Neighborhoods Safety,", *Atlantic Monthly*, March 1982.

Wilson, James Q. and George Kelling, "Making Neighborhoods Safe," *Atlantic Monthly*, February 1989.

Kelling, George, *"Broken Windows" and Police Discretion*, Washington, D.C.: National Institute of Justice, 1999.

Packer, Herbert L. "Two Models of the Criminal Process" in *The Limits of the Criminal Sanction* Stanford: Stanford University Press, 1968.

Martz, Carlton, "Miranda Update," *Bill of Rights in Action*, Winter 1990.

Martz, Carlton, "The 14th Amendment and the 'Second Bill of Rights,'" *Bill of Rights in Action*, Spring 1991.

Newton, Jim, Matt Lait, and Scott Glover, "LAPD Condemned by its Own Inquiry Into Rampart Scandal," *Los Angeles Times*, March 1, 2000.

Roane, Kit R., "The Verdict: Not Guilty: New York Cops Cleared in the Diallo Shooting," *U.S. News and World Report*, March 6, 2000.

"The Measurement of Police Integrity," Washington, D.C.: National Institute of Justice, 2000.

"Police Attitudes Toward Abuse of Authority: Findings From a National Study," Washington, D.C.: National Institute of Justice, 2000.

Use of Force by Police: Overview of National and Local Data, Washington, D.C.: National Institute of Justice, 1999.

National Data Collection on Police Use of Force, Washington, D.C.: Bureau of Justice Statistics, 1996.

Skolnick, Jerome H. and James J. Fyte *Above the Law: Police and the Excessive Use of Force* Free Press, 1993.

Territo, Leonard, James B. Halsted, and Max L. Bromley, *Crime and Justice in America*, St. Paul: West Publishing Co, 3rd edition, 1992.

BEST COPY AVAILABLE

Unit 3:

Hayes, Bill, "Voters and Judges," *Bill of Rights in Action*, Spring, 1998.

Some material in this chapter was adapted with permission from *Fair Trial/Free Press*, Todd Clark and Rebecca J. Novelli, Benziger Bruce & Glencoe, Inc., 1977.

Some of the factors influencing prosecutorial discretion are taken from the "American Bar Association Standards Relating to the Prosecutor Function."

"Felony Defendants in Large Urban Counties, 1996," Washington, D.C.: Bureau of Justice Statistics, 1999.

Report to the Nation on Crime and Justice, Washington, D.C.: Bureau of Justice Statistics, 1988.

"State Court Organization, 1998," Washington, D.C.: Bureau of Justice Statistics, 2000.

Brown, Jodi M., Patrick A. Langan, and David J. Levin *Felony Sentences in State Courts, 1996*. U.S. Department of Justice, Office of Justice Programs, Bureau of Justice Statistics Bulletin. July 1999.

Unit 4:

Corrections Statistics, Bureau of Justice Statistics, 2000, **www.ojp.usdoj.gov/bjs/**

"State Prison Expenditures, 1996," Washington, D.C.: Bureau of Justice Statistics, 1999.

"Prison and Jail Inmates at Midyear 1999," Washington, D.C.: Bureau of Justice Statistics, 2000

Correctional Populations in the United States, 1996. Washington, D.C.: Bureau of Justice Statistics, 1999.

Kerr, Peter "The Detoxing of Prisoner 88A0802" *New York Times Magazine* June 27, 1993.

Langan, Patrick A., "America's Soaring Prison Population," *Science* magazine, 29 March 1991.

Ekland-Olson, Sheldon, *et. al.*, "Crime and Incarceration: Some Comparative Findings From the 1980s" *Crime and Delinquency*, Vol. 38 No. 3, July 1992, pp. 392-416.

Greenwood, Peter W., Karyn E. Model, C. Peter Rydell, and James Chiesa, *Diverting Children from a Life of Crime: Measuring Costs and Benefits*, Santa Monica: RAND, 1996, **www.rand.org/publications/MR/MR699/**

Caulkins, Jonathan P., C. Peter Rydell *et al.*, *Mandatory Minimum Drug Sentences: Throwing Away the Key or Taxpayers' Money?* Santa Monica: RAND, 1997.

Greenwood, Peter W. and Allan F. Abrahamse, *Selective Incapacitation*, Santa Monica.: RAND, 1982.

Lipton, Douglas, R. Martinson, and J. Woks, The Effectiveness of Correctional Treatment: A Survey of Treatment Evaluation Studies, Praeger Press, New York, 1974.

Caulkins, Jonathan P., C. Peter Rydell, William L. Schwabe, and James Chiesa *Mandatory Minimum Drug Sentences: Throwing Away the Key or the Taxpayers' Money?* Santa Monica: RAND, 1997 **www.rand.org/publications/MR/MR827/index.html**

Ditton, Paula M. and Doris James Wilson, "Truth in Sentencing in State Prisons," Washington, D.C.: Bureau of Justice Statistics, 1999.

Wolfgang, M.E., R.M. Figlio and T. Sellin *Delinquency in a Birth Cohort*. Chicago: University of Chicago Press, 1972.

Zedlewski, Edwin W., "Making Confinement Decisions," Washington, D.C.: National Institute of Justice, 1987.

Zedlewski, Edwin W., "New Mathematics of Imprisonment: A Reply to Zimring and Hawkins," 35 *Crime and Delinquency* 169-73, January 1989.

Piehl, Anne Morrison, Bert Useem, and John J. DiIulio Jr., *Right-Sizing Justice: A Cost-Benefit Analysis of Imprisonment in Three States*. New York: Manhattan Institute, Civic Report No. 8. September 1999. **www.manhattan-institute.org/html/cr_8.htm**

Tracy, P.E., M.E. Wolfgang, and R.M. Figlio *Delinquency in Two Birth Cohorts: Executive Summary*. U.S. Department of Justice, 1985.

Apperson, Jay "Why Prosecutors Back Minimum Sentencing," *Washington Post National Weekly Edition*, March 7-13, 1994.

Useem, Bert, Camille Graham Camp, George M Camp, and Renie Dugan, "Resolution of Prison Riots," Washington, D.C.: National Institute of Justice, 1995.

Flanders, Stephen A., *Capital Punishment: The Facts on File Library in a Book Series* New York: Facts on File, 1991.

"Minnesota Sentencing Guidelines and Commentary" St. Paul: Minnesota Sentencing Guideline Commission, 1999.

The Death Penalty: Opposing Viewpoints Series. Bonnie Szumski, Lynn Hall, and Susan Bursell, editors. St. Paul: Greenhaven Press,1986.

"Prison and Jail Inmates at Midyear 1999," Washington, D.C.: Bureau of Justice Statistics, 2000.

"Capital Punishment 1998." Washington, D.C.: Bureau of Justice Statistics. 1999.

Redefining the Career Criminal: Priority Prosecution of High-rate Dangerous Offenders by Marcia Chaiken and Jan Chaiken. Washington, D.C.: National Institute of Justice, 1990.

Day Fines in American Courts: The Staten Island and Milwaukee Experiments by Douglas C. McDonald, editor, Judith Greene, and Charles Worzella., National Institute of Justice, 1992.

Landry, Thomas K., "'Punishment' and the Eighth Amendment," *Ohio Law Journal*, vol. 57, 1996.

Beck, Allen J. and Christopher J. Mumola, "Prisoners in 1998," Washington, D.C.: Bureau of Justice Statistics, 1999.

Bonczar, Thomas P. and Lauren E. Glaze, "Probation and Parole in the United States, 1998," Washington, D.C.: Bureau of Justice Statistics, 1999.

Factors that identify likely candidates for probation. Adapted from: *ALI Model Penal Code*, Sec. 7.01 [2].

Travis, Jeremy, "But They All Come Back: Rethinking Prisoner Reentry," Washington, D.C.: National Institute of Justice, 2000.

Alter, Jonathan, "The Death Penalty on Trial," *Newsweek*, June 12, 2000.

Bohm, Robert M. *The Death Penalty in America: Current Research*. Cincinnati, Ohio: Anderson Publishing, 1991.

Snell, Tracy L., "Capital Punishment 1998," Washington, D.C.: Bureau of Justice Statistics, 1999.

Connors, Edward, Thomas Lundregan, Neal Miller, and Tom McEwen *Convicted by Juries, Exonerated by Science: Case Studies in the Use of DNA Evidence to Establish Innocence After Trial*, Washington, D.C.: National Institute of Justice, 1996.

BEST COPY AVAILABLE

Unit 5:

Mary Ann Crouse case at 4 Warden (PA) 9, 1838. Case and quote cited in Schlossman, Steve L., *Love and the American Delinquent*, Chicago: University of Chicago, 1977.

Shepherd, Robert E., Jr., "The Juvenile Court at 100 Years: A Look Back," *Juvenile Justice*, Volume VI, Number 2, December 1999.

"Unlocking Juvenile Corrections: Evaluating the Massachusetts Department of Youth Services," National Council on Crime and Delinquency, 1991.

"Juvenile Justice: Improving the Quality of Care," National Council on Crime and Delinquency, 1992.

Snyder, Howard N. and Melissa Sickmund, *Juvenile Offenders and Victims: 1999 National Report*, Washington, D.C.: Office of Juvenile Justice and Delinquency Prevention, 1999

Stahl, Anne L., "Offenders in Juvenile Court, 1996," Washington, D.C.: Office of Juvenile Justice and Deliquency Prevention, 1999.

"Juvenile Justice Models for California: New Approaches for Troubled Youth in the Nation's Largest State," National Council on Crime and Delinquency, 1990.

Greenwood, Peter W. "Correctional Programs for Chronic Juvenile Offenders: Characteristics of Three Exemplary Programs." Santa Monica: RAND, 1988.

Greenwood, Peter W. and Franklin E. Zimring, *One More Chance: The Pursuit of Promising Intervention Strategies for Chronic Juvenile Offenders*, Santa Monica: RAND, May 1985.

Snyder, Howard N., "Juvenile Arrests 1998," Washington, D.C.: Office of Juvenile Justice and Delinquency Prevention, 1999.

"Report to Congress on Juvenile Violence Research," Washington, D.C.: Office of Juvenile Justice and Deliquency Prevention, 1999.

Wasserman, Gail, Laurie S. Miller, and Lynn Cothern, "Prevention of Serious and Violent Juvenile Offending," Washington, D.C.: Office of Juvenile Justice and Deliquency Prevention, 2000.

Puzzanchera, Charles, Anne L. Stahl, Terrence A. Finnegan, *et al.*, *Juvenile Court Statistics 1997*. Washington, D.C.: Office of Juvenile Justice and Deliquency Prevention, 1999.

Miller, Jerome G., *Last One Over the Wall: The Massachusetts Experiment in Closing Reform Schools*, Columbus, Ohio: Ohio State University Press, 1991.

National Juvenile Custody Trends 1978–1989, Washington, D.C.: Office of Juvenile Justice and Delinquency Prevention, 1992.

Simonsen, Clifford E. *Juvenile Justice in America* New York: MacMillan Publishing Co.,1990.

Krisberg, Barry and Deborah Neuenfeldt and Audrey Bakke, "Juvenile Intensive Supervision Programs: The State of the Art," *NCCD Focus*, February 1991.

Griffin, Patrick, Patricia Torbet, and Linda Szymanski, *Trying Juveniles as Adults in Criminal Court: An Analysis of State Transfer Provisions*, Washington, D.C.: Office of Juvenile Justice and Deliquency Prevention, 1998.

Pierce, Robert and Barbara Yondorf, *Juvenile Justice Reform: State Experiences* Washington, D.C.: National Conference of State Legislatures, 1989.

"Juveniles, Capital Punishment, and Sentencing," Washington, D.C.: Coordinating Council on Juvenile Justice and Delinquency Prevention,1999.

Thompson: Whitford, Ellen "How a Family Tragedy May Lead to a Landmark Court Ruling," *Scholastic Update*, April 8, 1988.

Pope, Carl E. and William Feyerherm *Minorities and the Juvenile Justice System* Washington, D.C.: Office of Juvenile Justice and Delinquency Prevention, November 1992.

Hsia, Heidi M. and Donna Hamparian, "Disproportionate Minority Confinement: 1997 Update," Washington, D.C.: Office of Juvenile Justice and Deliquency Prevention, 1998.

"Kids in Custody: How the Nation Handles Crimes by Juveniles" by Ron Harris. *Los Angeles Times*, series of four articles running from August 22, 1993 to August 25, 1993.

Unit 6:

Cathy Spatz Widom, "The Cycle of Violence," *Science*, 14 April 1989.

Sloan, John Henry, *et. al.* "Handgun Regulations, Crime, Assaults, Homicide, A Tale of Two Cities." *The New England Journal of Medicine*. Nov. 10, 1988, pp. 1256-1262.

"Seven Deadly Days." *Time*. July 17, 1989, pp. 30-60.

Zimring, Franklin E. and Gordon Hawkins. *The Citizen's Guide to Gun Control*. New York: Macmillan Publishing Co., 1987.

Pristin, Terry. "Soul-Searching on Violence by the Industry." *Los Angeles Times*. May 18, 1992.

Wilson, James Q. and Richard J. Herrnstein, *Crime and Human Nature*. New York: Simon and Schuster, 1985.

Dr. Brenner's Study, quoted in the *Deindustrialization of America: Plant Closings, Community Abandonment, and the Dismantling of Basic Industry*, by Barry Bluestone and Bennett Harrison. Basic Books, New York: 1982.

Felson, Marcus and Ronald V. Clarke, *Opportunity Makes the Thief: Practical theory for crime prevention*. London: Research Development Statistics, 1998.

Clarke, Ronald. V. (Ed.). *Situational Crime Prevention: Successful Case Studies*,

Second Edition. Albany, NY: Harrow & Heston,1997.

Bellair, Paul E., Lauren J. Krivo, and Ruth Peterson. "Community, Inequality, and Crime."

Sociological Focus 32:1-5, 1999.

Singer, Mark I., David B. Miller, Shenyang Guo, Daniel J. Flannery, Tracy Frierson, and Karen

Slovak "Contributors to Violent Behavior Among Elementary and Middle School Children," *Pediatrics* 1999 104: 878-884.

Greenfeld, Lawrence, A. *Alcohol and Crime: An Analysis on the Prevalence of Alcohol Involvement in Crime*, Bureau of Justice Statistics, 1998.

Mauer, Marc "Americans Behind Bars: One Year Later" Washington, DC: The Sentencing Project. 1992.

Vigilantes, *American Violence: A Documentary History*, ed. by Richard Hofstadter and Michael Wallace, Knopf, 1970.

Stone, Christopher, "Race, Crime, and the Administration of Justice," *National Institute of Justice Journal*, April 1999.

Weitzer, Ronald, "Racial Discrimination in the Criminal Justice System: Findings and Problems in the Literature," *Journal of Criminal Justice* 24 (4). 1996.

Martz, Carlton, "Does the Criminal Justice System Discriminate Against African Americans?,"*Bill of Rights in Action*, Winter 1992.

BEST COPY AVAILABLE

Barnes, Carole and Rodney Kingsnorth, "Race, Drug, and Criminal Sentencing: Hidden Effects of the Criminal Law," *Journal of Criminal Justice* 24 (1), 1996.

"Indicators of School Crime and Safety, 1999" Washington, D.C.: National Center for Education Statistics, 1999.

Kellam, Sheppard G., Ron Prinz, and Joseph F. Sheley, "Preventing School Violence," Washington, D.C.: National Institute of Justice, 2000.

Sheley, Joseph F., "Controlling Violence: What Schools Are Doing," *Preventing School Violence*, Washington, D.C.: National Institute of Justice, 2000.

"Students' Reports of School Crime: 1989 and 1995" Washington, D.C.: Bureau of Justice Statistics and National Center for Education Statistics, 1998.

Steinberg, James B., David W. Lyon, and Mary E. Vaiana, editors, *Urban America: Policy Choices for Los Angeles and the Nation*, Santa Monica: RAND, 1992.

Hawkins, David J., "Controlling Crime Before It Happens: Risk-Focused Prevention," *National Institute of Justice Journal*, August 1995.

"Bruised Inside: What Our Children Say About Youth Violence, What Causes It, and What We Need to Do About It," Washington, D.C.: National Association of Attorneys General, 2000.

Croddy, Marshall, Charles Degelman, and Bill Hayes, *The Challenge of Violence*, Los Angeles: Constitutional Rights Foundation, 1997.

Preventing Crime, Saving Children: Monitoring, Mentoring, & Ministering. Second Report of the Council on Crime in America. New York: The Manhattan Institute. 1997.

Sherman, Lawrence W., Denise Gottfredson, Doris MacKenzie, John Eck, Peter Reuter, and Shawn Bushway, "Preventing Crime: What Works, What Doesn't, What's Promising," Washington, D.C.: National Institute of Justice, 1998.

CRIMINAL JUSTICE IN AMERICA

THIRD EDITION

Criminal Justice in America is the most comprehensive and interactive introductory text available on criminal justice. This teacher's guide consists of six sections:

- **The Text** states the major goals of the text, details the standards it addresses, presents its organization, summarizes the content, and explains various features.
- **Teaching Strategies** reviews various methodologies used throughout the text, such as directed discussion, cooperative learning, and peer teaching.
- **Teaching Procedures** provides lesson sequences for the entire text.
- **Activity Masters** contains reproducible masters supporting various lessons.
- **Test Masters and Answer Keys** for unit and final tests.
- **References for the student text.**

In addition, our web site, which is constantly updated, offers links to more readings, the latest statistics, almost every case mentioned in the text, and much more. Go to www.crf-usa.org, click on Links, and click on *Criminal Justice in America* Links. We urge you to contact us via e-mail (bill@crf-usa.org) with your comments and suggestions to help us improve future editions of *Criminal Justice in America* and advance the ongoing development of the web site.

Constitutional Rights Foundation
601 South Kingsley Drive
Los Angeles, CA 90005
(213) 487-5590 Fax (213) 386-0459 www.crf-usa.org